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# HOUSE JOURNAL

OF THE

## SECOND SESSION

OF THE

# LEGISLATIVE ASSEMBLY

OF THE

## STATE OF MONTANA.

---

Begun at Helena, the Capital of said State, on the 5th day of  
January, A. D. 1891, and concluded on the 5th  
day of March, A. D. 1891.

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PUBLISHED BY AUTHORITY.

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HELENA, MONTANA.

1891.



# HOUSE OF REPRESENTATIVES.

Name of Members.	Counties Represented.	Post Office.
Comly, H. R., Speaker.....	Lewis and Clarke.....	Helena.
Humber, R. G., Speaker pro tem.....	Deer Lodge.....	Deer Lodge.
Barrows, John R.....	Fergus.....	Helena.
Beach, E.....	Lewis and Clarke.....	Helena.
Boardman, James M.....	Choteau.....	Fort Benton.
Blair, J. W.....	Deer Lodge.....	Helmville.
Blake, A. S.....	Missoula.....	Victor.
Blakely, Charles P.....	Gallatin.....	Bozeman.
Breen, Peter.....	Jefferson.....	Wickes.
Burns, A. F.....	Lewis and Clarke.....	East Helena.
Carney, Patrick.....	Madison.....	Fish Creek.
Clark, James K.....	Silver Bow.....	Butte.
Cory, D. A.....	Lewis and Clarke.....	Helena.
Crutchfield, C. M.....	Deer Lodge.....	Missoula.
Day, A. M.....	Silver Bow.....	Butte.
Dusseault, A. M.....	Silver Bow.....	Butte.
Eaton, Charles H.....	Park.....	Cooke.
Frank, H. L.....	Silver Bow.....	Butte.
Goodman, E. H.....	Meagher.....	Townsend.
Greenough, T. L.....	Missoula.....	Missoula.
Hardenbrook, C. K.....	Deer Dodge.....	Deer Lodge.
Harlan, W. B.....	Missoula.....	Como.
Harrington, Fayette.....	Madison.....	Butte.
Hastie, Edwin D.....	Cascade.....	Sun River.
Higgins, F. G.....	Missoula.....	Missoula.
Hoffman, Frank H.....	Silver Bow.....	Butte.
Hollywood, Frank.....	Deer Lodge.....	Granite.
Holter, A. M.....	Lewis and Clarke.....	Helena.
Horsky, John.....	Lewis and Clarke.....	Helena.
Howey, R. H.....	Lewis and Clarke.....	Helena.
Hughes, Sylvan.....	Deer Lodge.....	Anaconda.
Kempland, A. L.....	Beaverhead and Deer Lodge (Joint).....	Anaconda.
Lochray, Charles.....	Cascade.....	Sand Coulee.
Loud, Charles H.....	Custer.....	Miles City.
McElwee, Daniel P.....	Gallatin.....	Three Forks.
Mitchell, Samuel.....	Choteau.....	Choteau.
Monteith, James H.....	Silver Bow.....	Butte.
Moran, Hugh H.....	Custer.....	Miles City.
Newcomer, Martin.....	Cascade & Dawson (Joint).....	Glendive.
Norton, Wm. H.....	Yellowstone.....	Stillwater.
Phillips, J. T.....	Missoula.....	Missoula.
* Penrose, W. J.....	Silver Bow.....	Butte.
Poole, Geo. E.....	Jefferson.....	Radersburg.
Roberts, Wm. H.....	Silver Bow.....	Butte.
Schmidt, Leopold F.....	Silver Bow.....	Butte.
Stebbins, Chas. H.....	Park.....	Livingston.
Thompson, Wm.....	Silver Bow.....	Butte.
Toole, J. R.....	Deer Lodge.....	Anaconda.
Twohy, Jas. C.....	Jefferson.....	Boulder.
Waite, John D.....	Fergus.....	Utica.
Wallace, Wm., Jr.....	Lewis and Clarke.....	Helena.
Whaley, Wm. C.....	Gallatin and Jefferson (Joint).....	Bedford.
Wing, R. T.....	Beaverhead.....	Dillon.
* Witter, A. C.....	Beaverhead.....	Dillon.
Woodson, John A.....	Meagher.....	White Sulphur Springs.

\* Deceased.

## SUBORDINATE OFFICERS.

Chas. Z. Pond.....	Chief Clerk.
W. F. Shanley.....	Assistant Chief Clerk.
John Kay.....	Engrossing Clerk.
Henry Tutin.....	Enrolling Clerk.
C. F. Reardon.....	Sergeant at Arms.
E. Shortsleeves.....	Assistant Sergeant at Arms.
Rev. S. J. Hocking.....	Chaplain.
Felix Ryan and Alex Goodman.....	Pages.





## TWENTY-FIFTH DAY.

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HOUSE OF REPRESENTATIVES,

Helena, Montana, January 29th, 1891.

The Second Legislative Assembly of the State of Montana duly assembled in the Electric Hall in the City of Helena, State of Montana, on the 29th day of January, 1891, at 12 o'clock noon.

Mr. C. P. Blakeley being the oldest member present took the Chair and at his request Mr. J. R. Barrows called the list of members, the following being present and answering to their names, viz: Barrows, Beach, Boardman, Blair, Blake, Blakeley, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Holter, Hollywood, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteith, Newcomer, Norton, Phillips, Penrose, Pool, Roberts, Schmidt, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing and Woodson, constituting a quorum of the House of Representatives.

On motion of Frank, R. G. Humber was elected Temporary Chairman, unanimously.

On motion of Frank, Jno. R. Barrows was elected unanimously Temporary Clerk.

The Chair appointed the following named members a Committee on Credentials: Blakeley, Frank, Greenough and Harlan.

On motion of Loud, House took a recess for ten minutes.



12:30 P. M.

House resumed.

Mr. Humber, temporary chairman, in the chair.

Committee on Credentials made the following report:

*Mr. Speaker:*

Your Committee on Credentials report the following named gentlemen entitled to seats in this body. We recommend that the oath of office be administered at once.

C. P. BLAKELEY,

H. L. FRANK,

T. L. GREENOUGH,

W. B. HARLAN,

Committee.

Jno. R. Barrows, E. Beach, J. M. Boardman, J. W. Blair, A. S. Blake, C. P. Blakeley, P. Breen, A. F. Burns, P. Carney, J. K. Clark, D. A. Cory, Harry R. Comly, C. M. Crutchfield, A. M. Day, A. M. Dusseault, C. H. Eaton, H. L. Frank, E. H. Goodman, T. L. Greenough, C. K. Hardenbrook, W. B. Harlan, F. Harrington, E. D. Hastie, F. G. Higgins, F. H. Hoffman, F. Hollywood, A. M. Holter, J. Horsky, R. H. Howey, Silvan Hughes, R. G. Humber, A. L. Kempland, C. Lochray, C. H. Loud, D. P. McElwee, S. Mitchell, H. H. Moran, J. H. Monteith, M. Newcomer, W. H. Norton, J. T. Phillips, W. J. Penrose, G. E. Poole, W. H. Roberts, L. F. Schmidt, C. H. Stebbins, J. R. Toole, J. C. Twohy, Wm. Thompson, J. D. Waite, Wm. Wallace, Jr. W. C. Whaley, R. T. Wing, A. C. Witter, and J. A. Woodson.

On motion of Howey the report was adopted.

On motion of Loud, the Chief Justice was sent for to administer oath of office and thereupon the members last above named, with the exception of Harry R. Comly, C. H. Stebbins, and A. C. Witter, stepped forward and took and subscribed to the following Oath before Chief Justice Blake of the Supreme Court of the State of Montana.



STATE OF MONTANA, }  
 County of Lewis and Clark. } ss.

I, the undersigned, for myself, do solemnly swear, that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity, and that I have not paid or contributed or promised to pay or contribute, either directly or indirectly, any money or any other valuable thing, to procure my nomination or election, except for necessary and proper expenses, expressly allowed by law, that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf. That I will not knowingly receive directly or indirectly any money or other valuable thing for the performance or non performance of any act or duty pertaining to my office other than the compensation allowed by law. So help me God.

Frank introduced the following resolution.

*Whereas*, On the 5th day of January, A. D. 1891, at 12 o'clock, noon of said day, at the City of Helena, in the County of Lewis and Clark and State of Montana, the seat of Government of said State, the persons hereinafter named, each claiming to have been duly elected and qualified to act as members of the House of Representatives of Said state for the Session of 1891, met pursuant to the Constitution of said State, to-wit:

Robert T. Wing,  
 E. D. Hastie,  
 J. M. Boardman,  
 H. C. Moran,  
 Martin Newcomer,  
 John D. Waite,  
 Anton M. Holter,  
 R. H. Howey,  
 E. H. Goodman,  
 J. T. Phillips,  
 A. S. Blake,  
 Charles H. Eaton,  
 W. H. Roberts,  
 P. R. Dolman,  
 H. T. Hoffman,

Aaron C. Witter,  
 Charles Lochray,  
 Samuel Mitchell,  
 Charles H. Loud,  
 John M. Blair.  
 Cavid A. Cory,  
 John Horsky,  
 F. Harrington,  
 T. L. Greenough,  
 W. B. Harlan,  
 Charles H. Stebbins,  
 J. H. Monteith,  
 A. F. Bray,  
 William Thompson,  
 William R. Norton.

*And whereas*, On said 5th day of January, A. D. 1891, at 12 o'clock noon of said day, at said City of Helena, County of Lewis and Clarke and State of Montana, the seat of Government of said State, the persons hereinafter named, each of them claiming to have been duly elected and qualified, as Members of the House of Representatives of said State for the session of 1891, also met pursuant to the provisions of the Constitution of said State, to-wit:

A. L. Kempland,	Elizur Beach,
Silvan Hughes,	H. R. Comly,
C. K. Hardenbrook,	Patrick Carney,
J. R. Toole,	F. B. Higgins,
C. P. Blakeley,	H. L. Frank,
W. C. Whaley,	L. S. Schmidt,
Peter Breen,	A. M. Day,
J. W. Gilligan,	C. M. Crutchfield,
R. G. Humber,	Frank Hollywood,
Jno. R. Barrows,	D. P. McElwee,
J. C. Twohy,	G. E. Pool,
A. F. Burns,	William Wallace, Jr.,
J. A. Woodson,	Jos. K. Clark,
W. J. Penrose,	T. F. Courtney,
A. M. Dusseault,	J. Hogan.

*And, whereas*, In each assemblage of persons met as hereinbefore recited, there were twenty-five persons duly elected and qualified to act as members of said House of Representatives for said session, and five persons whose election and qualification was disputed and controverted, and,

*Whereas*, Neither of said assemblages had a sufficient number of persons whose election and qualifications was undisputed to constitutionally transact any Legislative business, but each of said assemblages did have a sufficient number whose election and qualifications were undisputed to adjourn from day to day, and,

*Whereas*, Each of said assemblages did adjourn from day to day from said 5th day of January, 1891, to this date, as shown by two certain journals, one kept and certified by Charles Z.

Pond for one of said assemblages, and the other kept and certified by Benjamin Webster for the other of said assemblages, and,

*Whereas*, For the purpose of showing the meetings of each of said assemblages at the day, hour and place above recited, and their respective adjournment from day to day from said 5th day of January, 1891, to the present date, and for no other purpose whatsoever, said journals have been deposited with the Secretary of the State of Montana, and for the purpose above mentioned and none other reference is hereby made to said journals, and,

*Whereas*, At no time heretofore has a majority of the above named persons concerning whose election and qualifications there were no disputes or contentions, met together and proceeded with the constitutional organization of said House of Representatives for said session; and,

*Whereas*, It now appears from a call of names that there is a majority of the above named persons concerning whose election and qualifications there is no dispute, and that an organization of said House of Representatives, the constitutionality of which cannot be questioned, is now possible; therefore,

*Resolved*, That we now proceed with the permanent organization of the House of Representatives of the State of Montana, for the session of 1891.

On motion of Cory, resolution was adopted.

Frank moved that the House proceed to the election of the following officers and attaches by the Clerk casting one ballot for the same:

Harry R. Comly, Speaker.

R. G. Humber, Speaker pro tem.

Chas. Z. Pond, Chief Clerk.

W. F. Shanley, Assistant Chief Clerk.

C. F. Reardon, Sergeant-at-Arms.

E. Shortsleeves, Assistant Sergeant-at-Arms.

Jno. Kay, Engrossing Clerk.

Henry Tutin, Enrolling Clerk.

J. M. Woodside, Doorkeeper.



Rev. S. J. Hocking, Chaplain.  
M. Mayhew, Day Watchman.  
A. Estes, Night Watchman.  
Felix Ryan, Page.  
Alex Goodman, Page.  
W. Piercy, Committee Clerk.  
Miss Kate Gray, Committee Clerk.

The chair ruled the motion out of order.

On motion of Wallace the House proceeded to fill the blank opposite name of Speaker pro tem.

Loud nominated C. P. Blakely.

Frank nominated R. G. Humber.

Blakely withdraws.

Mitchell nominated Jno. R. Toole.

Toole withdraws.

Greenough nominates Wm. Wallace, Jr.

Wallace withdraws.

On motion of Thompson the nomination of R. G. Humber was made unanimous.

On motion of Frank, House proceeded to nominate permanent officers.

Frank nominated the following as permanent officers.

Motion—Greenough: Clerk instructed to cast one ballot for each of following officers and declare same duly elected on Journal of House:

Harry R. Comly, Speaker.  
R. G. Humber, Speaker pro tem.  
Chas. Z. Pond, Chief Clerk.  
W. F. Shanley, Assistant Chief Clerk.  
C. F. Reardon, Sergeant-at-Arms.  
E. Shortsleeves, Assistant Sergeant-at-Arms.  
Rev. S. J. Hocking, Chaplain.  
Jno. Kay, Engrossing Clerk.  
Henry Tutin, Enrolling Clerk.  
J. M. Woodside, Door Keeper.

M. Mayhew, Day Watchman.

A. Estes, Night Watchman.

Felix Ryan, Page.

Alex Goodman, Page.

W. Piercy, Committee Clerk.

Miss Kate Gray, Committee Clerk.

The officers above named then stepped forward and took and subscribed to the following oath of office, with the exception of Miss Kate Gray and W. Piercy, before Chief Justice Blake, of the Supreme Court of State of Montana.

STATE OF MONTANA,        }  
County of Lewis and Clarke. } ss.

I, the undersigned, for myself, do solemnly swear, that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity; and that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or any other valuable thing, to procure my nomination or election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State or procured it to be done by others in my behalf. That I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law. So help me God.

On motion of Goodman, a committee of three was appointed consisting of Messrs Goodman, Beach and Frank, to notify the Governor that the House of Representatives of the Second Legislative Assembly was duly organized, with the following permanent officers:

Harry R. Comly, Speaker.

R. G. Humber, Speaker pro tem.

Chas. Z. Pond, Chief Clerk.

W. F. Shanley, Assistant Chief Clerk.

C. F. Reardon, Sergeant-at-Arms.

E. Shortsleeves, Assistant Sergeant-at-Arms.

Rev. S. J. Hocking, Chaplain.

Jno. Kay, Engrossing Clerk.

Henry Tutin, Enrolling Clerk.

J. M. Woodside, Doorkeeper.

M. Mayhew, Day Watchman.

A. Estes, Night Watchman.

Felix Ryan, Page.

Alex Goodman, Page.

W. Piercy, Committee Clerk.

Miss Kate Gray, Committee Clerk.

and ready to proceed to business.

On motion of Goodman a committee of three (3) was appointed, consisting of Messrs. Wallace, Higgins and Greenough, to notify the Senate that the House of Representatives of the Second Legislative Assembly of the State of Montana was duly organized with the following permanent officers:

Harry R. Comly, Speaker.

R. G. Humber, Speaker pro tem.

Chas. Z. Pond, Chief Clerk.

W. F. Shanley, Assistant Chief Clerk.

C. F. Reardon, Sergeant-at-Arms.

E. Shortsleeves, Assistant Sergeant-at-Arms.

Rev. S. J. Hocking, Chaplain.

Jno. Kay, Engrossing Clerk.

Henry Tutin, Enrolling Clerk.

J. M. Woodside, Door Keeper.

M. Mayhew, Day Watchman,

A. Estes, Night Watchman.

Felix Ryan, Page.

Alex Goodman, Page.

W. Piercy, Committee Clerk,

Miss Kate Gray, Committee Clerk.

and ready to proceed to business.

On motion of Greenough, House took a recess until 3 P. M.

3 P. M.

House resumed.

Speaker pro tem in the chair.

A message from his excellency, Jos. K. Koole, State of Montana. was received.



Goodman, Chairman Committee to wait upon the Governor made the following report:

*Mr. Speaker:*

Your special Committee appointed to wait upon the Governor and inform him that the House was duly organized and ready for business begs leave to report that they waited upon the Governor at his office and informed him of the organization of the House—That their report was received by the Governor—That they are informed by him that his message was now in the hands of the printer and as soon as the same was printed he would send the same to the House and that he would communicate with the House in writing.

GOODMAN,  
Chairman.

On motion of Poole the report was received and Committee discharged.

On motion of Frank the rules of the House were adopted.

On motion of Barrows a committee of Six were appointed consisting of Messrs. Barrows, Frank, Harlan, Loud, Beach, and Howey, to revise rules.

On motion of Beach. House proceeded to business under the rules.

The following communication from the Governor was then read.

*To the Speaker of the House of Representatives:*

Having been advised by a committee from your honorable body of the adjustment of differences long existing between contending claimants to seats in the House of Representatives and of the organization of a new House upon the theory that there was doubt as to the constitutionality of either organization then pending, I have the honor to request that all communications heretofore addressed to your honorable Speaker from this office be laid before the House of Representatives as now organized. Sundry recommendations respecting legislation and a brief statement of the financial condition of the State are in the hands of the Public Printer and as soon as the same are printed they will be transmitted to you as required by the constitution.

I cannot refrain from congratulating the House of Representatives upon a reconciliation of past differences which will result in a full representation of every County in your deliberations and revive, I trust, that devoted spirit of patriotism and spirit of compromise which distinguished the Sages of the Revolution and the fathers of our Union.

Permit me also to indulge the hope that our official relations may be cordial and that perfect mutuality of confidence will be established and maintained.

The sudden and serious illness of two of your members both prominent in your councils and in the history of the State is the subject of universal regret. I earnestly hope that they may be speedily restored to health and that your ranks may be preserved unbroken for the fulfillment of honorable and important service the State.

Upon your labors I invoke the considerate judgment of your fellow citizens and the gracious favor of Almighty God.

JOS. K. TOOLE,  
Governor.

On motion of Frank the communication was received and ordered spread upon the Journal of the House.

The following notices for the introduction of bills was given.  
By Howey:

*Mr. Speaker:* I give notice that on to-morrow or on some subsequent day I will introduce a bill for an act to provide for a Bureau of Agriculture, Labor and Industry.

*Mr. Speaker:* I hereby give notice on to-morrow or on some future day I will introduce a bill for an act to provide for the management and maintenance of the State Prison.

By Frank:

*Mr. Speaker:* I will introduce a bill providing for additional District Court judges.

By Beach:

*Mr. Speaker:* I will on to-morrow or some future day introduce:

A bill for an act concerning assessment and collection of taxes.

A bill for an act to provide fees for the appointment and to prescribe the duties of a State Examiner for the State of Montana.

A bill for an act requiring all County and District Officers to report the fees and emoluments received by them to the County Commissioners, and requiring the County Clerk to report the substance thereof to the State Auditor, and for the publication of the same.

A bill for an act to fix the compensation for board of prisoners confined in County jail.

A bill for an act concerning compensation of County, District and Township Officers.

A bill for an act fixing the fees for the performance of certain officials duties by the Secretary of State.

By Toole:

*Mr. Speaker:* I hereby give notice that to-morrow or some future day I will introduce a bill to prescribe the duties of the State Board of Examiners.

Also a bill to provide an appropriation for the care and maintenance of the insane.

Also a bill to appropriate money for the care and keeping of the State Convicts.

Also a bill to define the number, duties and pay of employees of the Legislative Assembly.

Also a bill for a general appropriation for the Legislative, Executive and Judicial Departments of the State.

By Hardenbrook:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill for an act to define the liability of R. R. Co.'s for stock killed by them.

By Breen:

*Mr. Speaker:* I hereby give notice that on to-morrow or some future day I will introduce a bill to regulate the hours of labor for underground mining.

By Blakeley:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill to make Gallatin County a separate Judicial District and the appointment of a Judge therefor.

By Whaley:

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill for an act to provide certain duties for County Assessors.

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill for an act to amend sections 1831 and 1836, Fifth Division, Compiled Statutes of Montana.

By Goodman:

*Mr. Speaker:* I hereby give notice that I will to-morrow or some subsequent day introduce a bill for an act relating to information in criminal cases.

By Harlan:

*Mr. Speaker:* I hereby give notice that I will upon to-morrow or some future day introduce a bill providing for the apportionment of members of the House of Representatives.

Breem introduced a petition from 6,000 members of the labor organizations of the State of Montana asking for the repeal of the Gag law.

On motion of Norton petition received and when standing Committees of the House are announced to be referred to an appropriate Standing Committee.

Committee appointed to wait upon Senate reported as having notified the Senate of the organization of the House and on motion of Frank the Committee was discharged.

Harlan introduced the following resolution:

*Mr. Speaker:* I move you that the Sergeant-at-arms, be instructed to at once obtain and furnish for the use of the members, files, stationery, and all other necessary supplies.

On motion of Breen the resolution was adopted.

On motion of Greenough, House adjourned.

CHAS. Z. POND,  
Chief Clerk.



TWENTY-SIXTH DAY.

---

HOUSE OF REPRESENTATIVES,

Helena, Montana, January 30th, 1891.

House met pursuant to adjournment at 10 A. M.

Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Hughes introduced petition from Rocky Mountain Telegraph Company asking permission to establish an office in the House.

On motion of Crutchfield the request was granted.

The annual message of his excellency, Jos. K. Toole, Governor, State of Montana, was received.

On motion of Beach reading of Governor's message was dispensed with.

On motion of Frank the message was received and ordered spread upon the Journal of the House.

## The Governor's Message.

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GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

Obedient to that provision of the constitution which requires me, at the beginning of each session, to give to the Legislative Assembly, information of the condition of the State and to make such recommendation as deemed expedient, I have the honor to submit for your consideration the following message:

The year which has just closed finds us in a flourishing condition. Mining, stock raising and agriculture, the three industries in which we are conspicuously successful, have made rapid strides in development. Great irrigating enterprises are on foot by which our fertile soil will be made to respond in a greatly increased measure. Our oft asserted claim for the capacity of our soil to produce the best and most prolific yield of wheat, oats and barley has been fully established and maintained.

Our great and diversified resources, by which we are self-supporting, have made us virtually independent of the financial stress which has lately oppressed with disastrous effects less favored communities.

A brief reference to official data furnished this office justifies the following comparative statement.

A year ago our total assessment was.....	\$ 79,376,944
Now it is (see exhibit "A") .....	112,457,555
A year ago our mineral output was.....	24,012,000
Now it is .....	47,848,000
A year ago the number of horses, sheep and cattle in Montana was.....	1,881,268
Now it is .....	2,368,482
A year ago the number of bushels of wheat, oats and barley produced was.....	2,648,149
Now it is .....	4,111,907
A year ago the number of pounds of wool produced was.....	7,023,134
Now it is .....	7,784,007
A year ago the number of quartz mills and reduction furnaces operated was.....	188
Now it is .....	207
A year ago the number of bushels of coal mined was.....	907,500
Now it is (629,200) tons.....	17,612,000
A year ago the number of miles of completed railroad was.....	2,043
Now we have.....	2,365
A year ago we collected in revenue from all sources.....	\$149,316 70
This year we collected.....	309,429 23
We have paid out since November 8, 1889.....	193,437 99
Unpaid claims against the state requiring appropriations (approximated)....	167,819 95
Money in treasury December 31, 1890.....	187,181 49

A table showing net indebtedness of the several counties up to March 1, 1890, and increase or decrease for the year ending February 28, 1890, is hereto appended marked "Exhibit B;" also a table showing the condition of the several funds and the amounts contributed to each by the several counties is marked "Exhibit C."

This remarkable march of progress, when augmented by federal legislation looking to the reclamation of our arid lands and the increase of the circulating medium which will follow the free and unlimited coinage of silver, will reach a point far beyond the expectations of the most sanguine.

But our great resources and almost limitless possibilities should not tempt us into improvident expenditures of the people's money. Against this the Constitution stands as an insuperable barrier. Section 12 of Article 12, of the Constitution is important at the outset.

SEC. 12. No appropriation shall be made or any expenditures authorized by the Legislative Assembly whereby the expenditures of the State during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the Legislative Assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rate allowed in Section nine (9) of this Article, to pay such appropriation of expenditures within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist



in defending the United States in time of war. No appropriation of public moneys shall be made for a longer term than two years.

Considerable difficulty has at times been experienced in carrying on the necessary affairs of state which will be spoken of hereafter under appropriate headings. This has resulted from a want of the necessary legislation to put constitutional provisions into effect and to meet many new conditions which have arisen on account of the change from territorial to state governments, but upon the whole we have succeeded fairly well. The prospect for the future is inviting and the wholesome restraints of our constitution above referred to are safe guarantees against incurring indebtedness beyond our ability to pay.

#### STATE LEVY.

One of the first acts which you will be called upon to perform will be under Sec. 1, Art. 12, of the constitution requiring you to "levy a uniform rate of assessment and taxation." Sec. 9 of the same article is as follows:

Sec. 9. The rate of taxation of real and personal property for state purposes in any one year shall never exceed three (3) mills on each dollar of valuation; and whenever the taxable property in the state shall amount to one hundred million dollars (\$100,000,000), the rate shall not exceed two and one-half mills on each dollar of valuation; and whenever the taxable property in the state shall amount to three hundred million dollars (\$300,000,000), the rate shall never exceed one and one-half mills on each dollar of valuation; unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election.

Our demands will require the largest levy permissible under the constitution, to-wit, two and one-half mills.

#### THE PENITENTIARY.

The penitentiary formerly belonging to and under control of the United States, has now become the property of the state. The same, with the lands connected therewith, were granted to the state by the act providing for our admission into the union. Under our territorial organization, the control and management of this institution was under the exclusive jurisdiction of the United States, with whom the territory contracted for the maintenance and support of its prisoners. In providing for the change from territorial to state government, no provision was made to cover the period between the date of admission and the time

when the legislature should provide for the proper management of the same. Between that date, however, and the 1st day of March, 1890, the United States marshal remained in charge under the contract between the territory and the United States. On the latter date I found the United States no longer willing to continue in charge. With no appropriation available to maintain the institution and no law under which to act I was left to my own resources in the matter. I accordingly contracted with Mr. Frank Conley and Thomas McTague, of Deer Lodge city, Montana, for the care, custody and maintenance of the institution and inmates (subject to the ratification of the legislative assembly), at the rate of seventy cents per day capita for all over one hundred, and sixty-five cents per capita for all over two hundred.

The price paid the United States by the territory was 85 cents per capita. The performance of this contract was secured by a bond of \$50,000. The contractors have, I believe, faithfully performed their part of the contract. They have trusted entirely to the good faith and ability of the state to reimburse them and I earnestly hope this may be done without delay. Independent of the value of improvements made by the contractors, for which reasonable compensation should be made, there is now due to them the sum of \$44,901.90.

How shall the prison be managed in the future? Shall a warden be appointed and appropriations made direct to maintain it under state control and supervision, or will the contract system be continued? These are questions submitted to your sound judgment.

So far as the mere cost to the State is concerned, I am inclined to believe that the contract system, under such rules and regulations as the Board of Prison managers might make, would be more advantageous to the State. Whatever conclusion is reached in that connection it is absolutely necessary that considerable improvements should be made in the prison and the grounds.

The dictates of humanity and a decent regard for the health and possible reformation of the inmates demand more commodious quarters and such an arrangement that young offenders may not be compelled to be incarcerated with the chronic and more vicious criminals. The capacity of the penitentiary is about 140 men. Whole number confined January 1, 1891, 240. During the year past seventy-nine were released, two by pardon, seventy by expiration of sentence, two delivered for new trials

and five by death. Of the number confined to December, 1890, the sex and color was as follows:

White males.....	217
White females.....	8
Colored males.....	6
Colored females.....	1
Indians.....	8
Chinese.....	7
Total.....	242

The crimes for which they were convicted embrace: Murder, robbery, attempted rape, assault with deadly weapon, assault to do bodily harm, assault to commit burglary, burglary, breaking jail, crime against nature, embezzlement, forgery, larceny, manslaughter, assault to commit murder, obtaining valuable papers under false pretenses, obtaining money under false pretenses, perjury, resisting officer, receiving stolen property, assault to commit robbery, sodomy, and the terms of punishment range from one year to life. Of the latter there are sixteen; 184 were citizens of the United States and fifty-eight were foreigners. Counties sent from:

Beaverhead.....	13
Cascade.....	12
Choteau.....	19
Custer.....	11
Deer Lodge.....	24
Dawson.....	2
Fergus.....	9
Gallatin.....	9
Jefferson.....	5
Lewis and Clarke.....	40
Madison.....	3
Meagher.....	5
Missoula.....	19
Park.....	17
Silver Bow.....	47
Yellowstone.....	7
Total.....	242

The first annual report of the contractors will be hereafter placed before you.

#### INSANE.

The insane of the State are supported under contract between the Territory of Montana and Doctors Mitchell and Musigbrod, at Warm Springs, Deer Lodge County, Montana, at \$8 per week, making an expense to the State of about \$75,000 per annum. The number is increasing rapidly, the last report showing 290 patients maintained at public expense. The maintenance of the insane and the penitentiary will form the largest items of expense under our state government. The proper treatment of



those unfortunates committed to the asylum at the least possible expense to the state, calls for the exercise of your best judgment. I am not prepared at this time to say that any new arrangement would be advantageous to the State, or to the person confined therein, but in view of the great and growing expense in that behalf, I urge the most thorough investigation of the subject. The contractors have received nothing from the State in payment under their contract since January 8, 1890. There is consequently due them the sum of \$77,380.61. This looks like a great hardship to impose upon the contractors, who claim to be paying interest upon the amount in order to maintain the institution. The situation calls for prompt action. I invite attention to the annual report of the contractors in this connection which will be hereafter transmitted.

#### OTHER UNFORTUNATES SUPPORTED BY THE STATE.

The State is now supporting and educating five deaf and dumb children at public institutes. Three at Washington, D. C., one at Danville, Ky., and one at Baltimore, Md.; also one blind child at Nashville, Tenn. We also support five feeble-minded children; two of the latter are at Binghampton, N. Y., and three at Elwin, Pa. Each of the children is costing the state an average of \$300 per annum, besides transportation going and returning.

Of this number two have been sent within the past year. Contracts for their keeping have been entered into for from one to six years, according to the age of the child. These facts are submitted in the hope that they may become the basis for intelligent consideration of the claims which these unfortunates have upon the State and humanity.

#### STATE INSTITUTIONS AND PUBLIC BUILDINGS.

I have already referred to the penitentiary at Deer Lodge. Aside from this there is no other public building belonging to the State except the armory at the State Capital. On the 22nd day of October, A. D. 1899, Hon. B. F. White, late governor of Montana Territory, on behalf of the Territory, entered into a contract with one A. McCarter for the erection of a State armory for the contract price of \$13,300, besides such extra work as the contractors and architects may agree upon. The work was not completed at the time of the change from the territorial to the State government. Work, however, continued and the building was completed and is now occupied for the purpose intended. Its completion found us in debt to the contractors on account of balance due in the sum of \$5,591.75.

There was no authority of law to pay it out of money in the State treasury. The demand for the building was as urgent as the demand by the contractor for his money. A number of the public-spirited gentlemen of the capital came to the rescue, endorsed the note of the State officers upon which the Cruse Savings Bank of Helena advanced the money to pay off the contractor. This note, with the interest is still due and will be brought to your attention in connection with other unpaid claims against the State.

In connection with the use of the building as an armory the same is occupied by several companies of the National guard of Montana under an arrangement by which each company is to pay an annual rental of \$300 out of the money allowed by law to the several companies, but which in the absence of necessary legislation they have been unable to draw. The building has been insured in three companies for the sum of \$15,000. There was no money available to pay this and the several agents of these companies are generously carrying the State for the premiums pending authority to pay the same. The companies of the National guard in Helena have, by their combined efforts, raised several hundred dollars which have been expended in necessary work to make the building inhabitable. Upon the whole I may add that public generosity has been taxed to the utmost to utilize the armory, all of which has been made necessary on account of a failure to properly provide by legislation for its completion and maintenance.

#### OTHER BUILDINGS.

Provision is made by Sec. 1, of Art. 10, of the Constitution, for the establishment and support by the State of educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, soldiers' home and such other institutions as the public good may require.

While the establishment of these institutions is made mandatory by the constitution, no time is fixed when legislative action shall be taken. In view of the limitation placed by the constitution upon the public expenditure I hope no effort will be made at this session to provide for the construction of such buildings. It would be wise, however, if the location of these institutions should be the subject of early consideration and settlement. The longer that is delayed the greater will be the struggle between aspiring sections of the State for recognition in that behalf, and pending such contention, the interests of good legislation may be subordinated if not wholly ignored. In this connection it is proper to call your attention to the fact that legislation will be required to give force to Sec. 2, Art. 10, of the Constitution, providing

for the permanent location of the seat of government; the manner of submission, the manner of canvassing the votes and the details generally should be provided for.

#### STATE MILITIA.

Sec. 3, Art. 14, of the Constitution makes it incumbent upon the State to maintain the militia by appropriations from the State treasury. In view of this provision it becomes a question of great concern how to maintain this organization so as to preserve its efficiency in case of danger and at the same time reduce the expense to the minimum. All extraordinary and unnecessary expenses should be discontinued and eliminated from the law. It is obvious that with the many demands made upon the State treasury, consequent upon a change of government, the practice of the most rigid economy in every department is imperative. In appropriating money for this as well as all other institutions of the State, we must keep constantly in view that provision of the Constitution prohibiting the passage of an appropriation or the issuance of any warrant beyond the amount raised by taxation. In other words our Constitution was framed upon the principle of administering our affairs upon a cash basis, except when the proposition to raise a tax is submitted to the people at a general election. Our revenue will be insufficient to maintain a militia upon the scale provided in the present military code. It is claimed by many that one half of the number of companies properly disciplined and well provided for would be more serviceable and creditable to the State than the entire militia as now organized. It is also claimed that the annual encampment now provided for might be well abandoned without detriment to the service and a system of inspection instituted in lieu thereof.

These items alone would result in a saving of about \$20,000 per annum.

Upon these questions there is a difference of opinion among the staff, regimental and other officers of the National guard, but all who have expressed an opinion agree that expenses should be reduced. I accordingly recommend an organization upon a less expensive plan until the resources of the State will justify a more comprehensive one. I think the governor should have authority to issue arms to settlers in remote places in case of threatened danger. It cannot be done now without making himself personally responsible for loss of property.

#### STATE OFFICERS.

Such of the State officers as are required to reside at the seat of the government are quartered at the court house, where reasonably good accommodations are provided for most of them.



No provision of law exists by which any officer is permitted to contract for the renting or leasing of offices. The county commissioners of Lewis and Clarke county, relying upon the State to ratify the actions of the occupants, have furnished and delivered the possession of offices to the following persons: Governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction and judges of the supreme court. So far as I am informed the quarters furnished are well adapted to such uses and reasonably satisfactory. We have paid no rent to the county, although we have occupied the rooms for more than a year. I recommend that authority be given some officer of this State to enter into a proper contract for quarters and that provision be made to pay the same.

Your attention is also called to the fact that there is no law in existence by which the vote for State officers to be elected in 1892 can be canvassed or the result of the election declared.

The State Constitution provided the method of giving effect to the first election only. The necessity of legislation upon this question is urgent. The term of office of the present incumbents expires on the first day of January, 1893, and does not continue, as is usual, until their successors are elected and qualified.

#### REPORTS OF STATE OFFICERS.

Sec. 19, of Art. 7, of the Constitution requires all State officers to make a full and complete report of their official transactions to the Governor at least twenty days preceding each regular session of the Legislative Assembly, which report is thereafter to be transmitted to the legislature by the governor. In order to make this report available and of practical value so far as the financial condition of the State is concerned, it will be necessary to change the present law and make all taxes delinquent after the 30th day of November instead of December 31st and I recommend the change, and I further recommend as a matter of convenience and economy that all reports of State officers required to be printed, be printed in one volume.

#### GREAT SEAL OF THE STATE.

We are still using the old seal of the Territory. A State seal should be adopted. Also a seal for the Supreme Court.

#### STATE BOARD OF EQUALIZATION.

The creation of this Board is a radical departure from former methods in this State.

Sections 15, 16 and 18, of Art. 12, of the Constitution are as follows:

SEC. 15. The Governor, secretary of State, State treasurer, State auditor and attorney general shall constitute a State Board of Equalization and the board of county commissioners of each county shall constitute a County Board of Equalization. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of the taxable property among the several counties of the State. The duty of the County Board of Equalization shall be to adjust and equalize the valuation of the taxable property within their respective counties. Each Board shall also perform such other duties as may be prescribed by law.

SEC. 16. All property shall be assessed in the manner prescribed by law except as is otherwise provided in this Constitution. The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization and the same shall be apportioned to the counties, cities, towns, townships and school districts in which such railroads are located in proportion to the number of miles of railway laid in such counties, cities, towns, townships and school districts.

SEC. 18. The legislative assembly shall pass laws necessary to carry out the provisions of this article.

Pursuant to these provisions the Board organized and proceeded to a discharge of its duties. An examination of the authorities soon satisfied the Board that the foregoing provisions were inoperative without the necessary legislation. It proceeded, however, basing its action in nearly every instance upon an agreement with the railroad companies by which the assessments were made and the taxes paid.

The labor involved in securing the necessary information, preparing the proper blanks, together with travel, conference and correspondence has been great; and all done and performed under great difficulties.

The whole subject has been thoroughly considered and legislation recommended by the Board of Equalization in its first annual report which has been printed and which will be hereafter submitted. I will not, therefore, encumber this message with them but fully endorse the report and recommend the legislation proposed as proper and necessary.

#### BOARD OF PARDONS.

The Constitution has provided for a Board of Pardons consisting of the secretary of State, State auditor, and attorney general.

No legislation has ever been enacted providing for the time or place of its meetings or defining its procedure in any respect.

The Board, however, deeming it had sufficient authority so to do organized and have proceeded to act upon various cases passed on by the executive, making its own rules, etc., etc. These rules or similar ones should be enacted as law or direct authority conferred upon the Board to make the same.

During the year twenty-nine applications for pardon were presented to me. Out of this number twenty-two were rejected by me; five were granted and two commuted. These latter cases went before the Board of Pardons for its action, which resulted in the approval of five and disapproval of two.

The report of the Board showing its organization, rules of procedure, cases considered and other information in detail will be hereafter presented.

The present system of pardons is a radical departure from that which has existed since our organization as a territory; yet nothing has come under my observation to subject it to criticism.

#### STATE BOARD OF EDUCATION.

Section 11, Art. 11 of the Constitution is as follows:

SEC. 11.—The general control and supervision of the State university and the various other State educational institutions shall be vested in a State Board of Education, whose powers and duties shall be prescribed and regulated by law. The said Board shall consist of eleven members, the governor, State superintendent of public instruction and attorney general being members ex-officio; the other eight members thereof shall be appointed by the governor, subject to the confirmation of the Senate, under the regulations and restrictions to be provided by law.

This section evidently contemplates that legislation shall be passed defining the term of office, qualification, etc., of the Board. I would suggest that in formulating the law provision should be made for the expiration of one term every year, which would secure the service of experienced men at all times on the Board.

#### STATE BOARD OF EXAMINERS AND PRISON COMMISSIONERS.

Section 20, Art. 7, of the Constitution, is as follows:

SEC. 20.—The governor, secretary of State and attorney general shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State prisons as may be prescribed by law. They shall constitute a Board of Examiners with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claim against the State except for salaries and



compensation of officers as fixed by law, shall be passed upon by the legislative assembly without first having been considered and acted upon by said Board.

The powers, procedure and duties of the Board should be prescribed by law. The numerous claims filed against the State have not been examined or passed upon by the Board of Examiners, nor has anything been done by the Board of Prison Commissioners except to organize, visit and inspect the penitentiary with a view of ascertaining the manner in which it was conducted and what additions and repairs should be made thereto. A separate report upon that proposition will be hereafter submitted.

#### LABOR.

Provision is made in the Constitution for a Bureau of Labor and Industry, to be located at the capital, and to be under the control of a commissioner to be appointed by the governor, and subject to confirmation by the senate. I regard the creation of this office as of the greatest importance to the State. It will be the medium through which can be collected and preserved authentic statistics and information generally of great value in the adjustment and perfection of future legislation. While our population is small and our industries comparatively few, the salary should be moderate.

#### PUBLIC EXAMINER.

Section 8, Art. 7, of the Constitution makes it your duty to provide for a State Examiner, and in addition to the duties specifically enjoined upon that official by the Constitution, he is required to perform such other duties as the legislature may prescribe. His compensation should be fixed by law.

#### APPORTIONMENT AND REPRESENTATION.

Section 2, Art. 6, of the Constitution provides as follows:

SEC. 2—The legislative assembly shall provide by law for an enumeration of the inhabitants of the State in the year 1895 and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for representatives on the basis of such enumeration according to ratios to be fixed by law. From this it appears that the present legislature will be called upon to revise and adjust the apportionment for Representatives, and in so doing they are required to take as a basis the enumeration last made by the United States, an enumeration, which, so far as this State



is concerned, was a complete and elaborate failure. It will furnish the basis for an unjust apportionment which must be tolerated until after 1895, when an enumeration may be made by the State as provided by section 2, above referred to, if legislation to that end is enacted.

#### COMPENSATION OF MEMBERS OF THE LEGISLATURE.

In view of the fact that the Constitution has declared that the compensation of the legislative assembly after the first shall be as provided by law, and that no legislative assembly shall fix its own compensation, it will be incumbent on you to give this subject attention at this session.

#### PUBLIC LANDS.

The act providing for our admission into the Union grants to the State public lands, which, if properly selected, managed and controlled, will place Montana second to no State in the Union in respect of educational and other institutions for which the grant was intended. It is therefore of the highest concern to the people that speedy legislative action should be had providing for the early selection of these lands. Every day that passes lessens the value of the grant by affording opportunity for individuals to initiate settlements and rights under the land laws of the United States which will be superior to ours until the selections are made. In this connection we should not be unmindful of the fact that suits are pending and legislation is being urged for the purpose of dispossessing the Northern Pacific railroad company of thousands of acres of mineral land within this State claimed under its grant, and that for every acre so taken it will claim an equivalent of agricultural land. A bare suggestion of this subject is sufficient to stimulate our efforts in securing an early selection of the land granted to the State, otherwise the gift of the government may not be worth the taking. I call your attention to section 10 of the enabling act referred to, and other sections of the same act relating to the same subject. Sect. 1, Art. 18, of the Constitution seems to contemplate the creation of a board of land commissioners, whose duty it shall be to classify all public lands. It appears to me that this board should be charged with the duty of making the selections provided for in section 10 of the enabling act above referred to. In any provision you make for the sale or leasing of public lands belonging to the State, preference should be given to actual settlers, who in good faith located upon school sections by mistake, or who believing such preference would be given, have made valuable improvements upon the same.

These two classes of persons should be protected; the former for the reason that the failure of the general government to extend the public surveys, made it impossible in many cases to distinguish a school section from any other section, and the latter for the reason that the constitution adopted and ratified by the people in 1884, contained a provision similar to the recommendation above made, and upon which numerous persons have relied and made settlement accordingly.

If the federal government or the State shall ultimately aid in the establishment of a system of irrigation and the storage of water by means of reservoirs, no man can approximate the value of these lands to the State in the future. I make this observation to guard you against the demands of those who, eager to monopolize our lands, will doubtless be on hand to urge a hasty and inconsiderate disposition thereof.

Section 13 of the enabling act provides:

SEC. 13—That five per centum of the proceeds of the sale of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States respectively.

This fund, whatever it may be, should be placed to our credit so that it may be invested and return some revenue to the State. Legislation to authorize its investment must, however, be first provided.

Congress has been well disposed in advancing educational interests, and it remains for us to avail ourselves of its munificence.

#### AGRICULTURAL COLLEGE.

By an act of Congress approved August 30, 1890, \$15,000 per annum and an increase of \$1,000 per annum for the period of ten years thereafter is appropriated to each State and Territory, and after that the sum of \$25,000 per annum to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science. In order to avail ourselves of this appropriation an Agricultural College must be established in accordance with an act of Congress approved July 2, 1862. The Legislative Assembly must assent to the purpose of said grant and provide to whom the payments of above mentioned appropriations shall be made. I earnestly urge that action looking to this very desirable end may be speedily taken. These suggestions tend naturally to a consideration of some

method looking to the protection of the several grants from the government for educational and other purposes.

Many of our lands donated to the State for the support of common schools, being sections sixteen and thirty-six in every township, as well as university lands already selected, are endangered by trespassers and individuals asserting claims under the mineral land laws. Many of these lands are very valuable on account of their proximity to cities and towns; and this is doubtless the incentive in a majority of cases for jumping the same.

The result is that contests are now pending in the local land offices and the general land office at Washington involving our rights to school lands. Other cases of flagrant trespass in which lands are being occupied and despoiled have come to my knowledge but have not reached the land office or the courts. We have been virtually powerless in the absence of legislation to protect these sacred interests. It seems little less than a crime to see this splendid heritage passing away from us and falling into the hands of sordid and selfish individuals who take no account of the rights of the State. I think that a fund should be placed at the disposal of the Board of Land Commissioners for the payment of all necessary expenses of examination, survey and of contested cases involving the title or right of possession of school or other lands granted to the State. There should also be a State agent who should be empowered to represent our interests here and before the department at Washington. I commit the whole subject to your wisdom, profoundly conscious of the fact that no graver question will engage your attention.

#### RAILROAD GRANTS AND MINERAL LANDS.

The State has a direct interest in the speedy and final settlement of all questions affecting the grant of the Northern Pacific railroad company within our limits. First, we are vitally interested in upholding the spirit and purpose of the grant, which reserved all mineral land from its operation. These lands should always be open to exploration and development by the prospector and miner. The policy of the federal government has always run in that direction in an unbroken line, as evidenced by every public grant.

Second, it is of paramount importance to us to secure an early survey of such lands as the railroad company is entitled to under the law in order that this immense grant may be subjected to taxation like other property within the State.

It cannot be taxed before it is surveyed. The longer this indispensable condition is delayed, greater will be our misfor-



tune in a financial point of view and greater will be the complications arising out of it.

It requires only a casual glance at the situation to see that for every legal subdivision claimed by the company which by decision of a competent tribunal shall be declared to be mineral, another section will be claimed in lieu thereof. Titles will be slandered, confusion generally will exist, and expensive litigation will follow.

It seems proper, therefore, that congress should be memorialized to take such steps as it may seem to you just and expedient to designate and protect the mineral lands falling within the limits of the grant, and speedily to survey and designate all lands to which the railroad company is entitled, so that the same may be made to respond to their just proportion of the public burdens. In this connection I consider it proper to recommend for your investigation the question of the liability of the right of way of the Northern Pacific Railroad Company within this State to taxation.

Several propositions are involved. First, whether the clause of their charter exempting the right of way "within the Territories" is not destroyed by the creation of a State out of such Territory.

Second, does not the act admitting us a State "upon an equal footing with the original States" operate protanto as a modification of the exemption clause of the charter? No such embargo was laid upon "the original States."

Third, does the provision of the charter providing for "modification," etc., contemplate such a modification as this?

Fourth, if it does and the creation of the State "upon an equal footing with the original states" is not tantamount to such a modification, would it not be well to direct the attention of our Senators and Representatives in Congress to the necessity of legislation to that end? It has come to my knowledge that the railroad companies maintain that this exemption is still in force.

#### DESERT LANDS AND IRRIGATION.

Every person who is conversant with our climate and the character of our soil must know that great possibilities await a general and comprehensive system of irrigation of our lands. I do not think the public is interested in holding a vast empire as a mere cattle range for large herds of stock. Upon the contrary it will be a glad day for Montana when the stock interests of the State shall be divided among the ranchmen in small lots. This will insure their proper feeding and shelter, and furnish employment to a large number of persons who must also be provided with the necessaries of life, all of which will be conducive of a more general prosperity to the State.



The proper solution of this question is pregnant with great import to the people of this State. There was a time when it seemed not improbable that the general government would take hold of this proposition and under its supervision control and manage the water supply to the advantage of all. It is perfectly apparent, however, at this time that influences are co-operating which will eventuate in destroying whatever hope we may have had in that direction. Eastern communities which have set this opposition in motion, appear to be mindful only of local interests and not of the prosperity of the whole country. Their protest is based upon the claim that the reclamation of these arid lands would subject the settler in the eastern and middle states to undue competition, retarding relief from agricultural depression. They will not, but they should remember that "this depression, arising from the competition of more favored conditions, is a portion of our inheritance and of the inalienable sacrifice exacted from mankind by that modern Juggernaut, Progress, whose wheels take no backward turn, however loud, however real, or however pitiful the outcries of the victims may be."

The homes which we propose to make are not for us alone, but for every citizen of the United States who has the courage to come and take one. We are interested in having this country settled and contribute something more to humanity and the world. There is no citizenship like that which is bound to the State and the Nation by a title in fee to the soil. Of course these lands, when reclaimed, will come in competition with that immense land grant of over twenty millions of acres almost wholly undisposed of in our State and possibly depreciate its value, but that is only another reason for their speedy reclamation, as it will secure cheap homes for the people and in the end benefit all. If we are to receive any substantial or speedy benefits from our arid lands I believe the State must first acquire a title to them and then undertake by appropriate legislation to reclaim and dispose of them. The Government should select, survey and convey these lands to the State upon such conditions as would secure their occupation and reclamation.

The West has contributed largely to building up the great revenues of the Nation and has received very slight corresponding benefits. It is not, however, the section, but the subject to be fostered and encouraged.

Agriculture lies at the foundation of our national prosperity. It is already languishing under the fatal pressure of unjust discrimination. It should be stimulated and promoted; not, however, by circumscribing its area or diminishing the amount of its production, but the remedy lies in opening and extending by appro-

priate legislation our commercial relations with those countries which afford the most profitable markets for our products.

I think our demands upon this subject should be formulated and transmitted to congress.

#### INDIANS AND INDIAN RESERVATIONS.

The large Indian reservations within our borders which were set aside by the general government, embrace some of our best agricultural lands and are far in excess of the requirements of the Indians, who are no longer able or compelled to live by the chase, but in every instance are the recipients of bounty from the government. The buffalo and wild game which once abounded upon these great reservations are practically extinct, and with their departure disappeared the only reason for the maintenance of large areas of land for the occupancy of the Indians.

I therefore hope that you will memorialize congress to compel a speedy selection and acceptance of these lands by individual members of Indian tribes, the destruction of tribal relations, and for an early restoration of the remainder of said lands to the public domain.

Although there has been visible unrest among several tribes within the State happily no serious outbreak has occurred within the last year. The only threatened danger grew out of the killing of a citizen and the indiscriminate slaughter of range cattle by the Cheyenne Indians in Eastern Montana last spring. The circumstances in this instance seemed to be of such importance as to justify sending a special messenger to the scene of the difficulty with instructions to investigate and report concerning the causes and probable consequences of the affair. Colonel C. D. Curtis, aide de camp N. G. M. was accordingly detailed for the purpose and after conferring with the officers of the United States Army at Fort Keogh proceeded to take the testimony of reliable and trustworthy citizens respecting the same, which was embodied in his report to the Executive Office and which will be hereafter transmitted. An authenticated copy of this report was forwarded to the Interior Department at Washington with the accompanying letter which probably through the carelessness of some subordinate was never acknowledged.

STATE OF MONTANA, EXECUTIVE OFFICE, }  
HELENA, Montana, July 3, 1890. }

*To the Secretary of the Interior, Washington, D. C.;*

SIR: I have the honor to call your attention to recent depredations of the Cheyenne Indians in Eastern Montana which resulted in the death of one citizen and the slaughtering of numerous cattle upon the range. The citizens in Eastern Montana have been exposed to these depredations since the removal of

the Cheyennes to Montana. Soon after the killing of Mr. Ferguson I dispatched Colonel C. D. Curtis, aid de camp N. G. M. to the scene of the trouble with instructions to investigate the cause of the same. A copy of his report is enclosed herewith.

I endorse the same as a report of a careful, competent and conscientious officer, who had ample facilities to ascertain the facts. I do not hesitate to say that the primary cause of the unrest and threatening attitude of these Indians is the result of a failure of the government to properly feed them. These Indians cannot subsist on the meagre allowance doled out to them by the government. Such a course is a constant temptation to plunder, and then if unhappily detected, to kill the witness and thus remove the evidence against them.

I have the honor to submit, first, that these Indians do not, in fairness, belong to Montana, and ought to be removed.

Second, that if permitted to remain here they should be properly fed and kept upon the reservation and disarmed.

I very much fear that a recurrence of such trouble as detailed in Col. Curtis' report, to which I ask your attention, will make it impossible to restrain the settlers in that remote section of the State from taking matters into their own hands.

I have the honor to be your obedient servant,

Jos. K. TOOLE,  
*Governor.*

The conclusions reached in this letter are as true to-day as they were then. The continued disregard of our urgent but respectful protest manifests such a lamentable lack of interest in our protection that I trust you may find it expedient to give public expression to our affront by a proper memorial to congress.

#### SALE, RENTAL AND DISTRIBUTION OF WATER.

One of the most salutary provisions in our declaration of rights is that which makes all the water now appropriated or which may hereafter be appropriated for sale, rental, distribution or other beneficial purposes, a public use. Under this provision I assume that you are invested with ample authority to provide by appropriate legislation, against excessive and extortionate charges by individuals, companies or corporations engaged in the sale, rental or distribution of water, and to prevent the unjust discrimination in the disposition of the same to the public. In my opinion the right of the State to regulate this subject should be asserted and maintained. I accordingly invite your attention to this matter as one worthy of your early consideration.



## HOMESTEAD AND EXEMPTION.

Homestead and exemption laws are the outgrowth of our civilization, and in all enlightened communities there is a universal concurrence of sentiment in favor of making them broad and liberal. Society owes something to the wife and children and the creditor who trusts the reckless and improvident, ought not to be permitted to pursue the former to destitution. I therefore recommend that in obedience to the Constitution, liberal homestead and exemption laws be enacted.

## PRINTING

Provision should be made for carrying out Section 30, Art. 5, of the Constitution respecting public printing.

SEC. 30—All stationery, printing, paper, fuel and light used in the legislative and other departments of government shall be furnished and the printing and binding and distribution of the laws, journals and department reports and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the legislative assembly and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and the State treasurer.

The present contract with the Journal Publishing Company, entered into under the territorial law, and which was continued in force by the constitution, expires on the 11th day of March, 1891.

## THE SUPREME COURT.

Under the provisions of Section 3, Article 8 of the Constitution, the Supreme Court is empowered to summon a jury when required to determine an issue of fact. It will be necessary for the Legislature to prescribe by law the manner in which such jury shall be summoned. There is no statute which governs this contingency.

Under the provisions of Section 4, of the same article, the Legislative Assembly should fix the time for holding the terms of the Supreme Court, or confer the authority upon the justices to regulate them. I think the number of terms should be increased to four, and that the Legislative Assembly should designate them. This legislation would secure a speedy hearing of the appeals and render certain the day when they could be heard.



## CLERK OF THE SUPREME COURT.

The Constitution has deemed the office of the Clerk of the Supreme Court of such importance that it has required him to be elected by the people of the State. The fees allowed for his services should be revised, and when collected should be paid into the Treasury. This officer should receive a salary.

## DISTRICT COURTS.

Since our admission into the Union we have been working under an entirely new judicial system. In the main it has proven satisfactory, and with some slight modifications and legislation which was designed in the first instance to give it effect, I am confident that it will meet every requirement demanded by the public.

Hon. W. W. Dixon, the Chairman of the Judiciary Committee of the late Constitutional Convention, has so succinctly reviewed the system in a recent address before the Society of the Framers of the Constitution that I submit an extract therefrom. Among other things he said:

"In the counties of Lewis and Clarke and Silver Bow the old courts were so much behind in the trial of causes when the present judges took their seats, and business has since so increased that the new courts have been unable to afford litigants in civil cases the prompt trials which they should have.

"The judges have worked very industriously, but can make little progress. In each of these counties an additional judge is needed, at least for one or two years to come, and the Legislative Assembly should so provide.

In those districts where several counties are united the system seems generally to work satisfactorily. Some of these counties, however, have so increased in population and business that they desire and are entitled to be made separate districts, and this, I think, should be done as speedily as may be. It is to be hoped that in a few years each county in the State will be a district with its own judge. When this is done all the benefits of the judicial system established by the Constitution will be realized.

"One trouble and inconvenience I have heard mentioned in the counties joined with others in one district, is the delay in procuring orders in probate matters when the judge is absent from the county where the order is desired. This, I think, might be remedied to a considerable extent by an amendment to the probate practice act, authorizing the clerk of the court to make in the absence of the judge, such orders as are usually made ex parte.

"Sec. 8, Art. 3, of the Constitution provides for the prosecution of criminal offenses in the district court by information, and also by indictment by a grand jury, when the court considers it necessary to summon one, and a grand jury is to consist of seven persons only, of whom five must concur to find an indictment.

"Owing to the unfortunate political complications of last winter, which deprived us of much needed legislation to make constitutional provisions effective, we have no law defining or providing for information. The Supreme Court has therefore held, and no doubt correctly, that criminal cases must still be prosecuted by indictment. We have not therefore enjoyed the benefits of the provision which dispenses in most cases with a grand jury, but we have reduced the number comprising it to seven. This has reduced the expense of the counties and I think has been found satisfactory to the people. The constitutional provision that in case of misdemeanor and in all civil actions two-thirds in number of the jury may render a verdict has, so far as I have seen or been informed, been found to be very satisfactory in its practical operation and has greatly facilitated the decision of cases and prevented expense and unnecessary new trials."

By promptly providing for proceeding by information heavy bills of cost will be saved which now necessarily obtain. If witnesses are compelled to attend at preliminary examinations, before the grand jury and then upon the trial, three separate bills of cost are incurred when one ought to answer the purpose, besides the witnesses are frequently of a migratory character, cannot be found, or if so, at heavy expense on account of mileage.

The necessity of another judge in Lewis and Clarke and Silver Bow counties is apparent to every one who has considered the subject. A letter addressed to this office from Hon. W. H. Hunt, Judge of the first Judicial District Court, giving a statement of the volume of business transacted in his district and the immediate demand for relief, is clear, concise and convincing. The same is appended hereto and marked "Exhibit D." I may add that the reasons given by Judge Hunt are equally applicable to Silver Bow county, and that the same would have been made manifest by the judge of that district but for his unavoidable absence at this time.

#### CODE COMMISSION.

The important work of preparing the four codes authorized by the act of March 14, 1889, was committed to a commission which was required to report three of the codes to the next ensuing Legislature. The commission has been industriously en-

gaged in the work since the adoption of the State Constitution, and has completed and filed with the Secretary of State the "civil code," "the code of civil procedure" and "penal code." I am in receipt of a communication from the Chairman of the Commission under date of December 11, 1890, as follows:

"Replying to yours of the 10th I have the honor to report: That the code commission appointed in pursuance of the act of the legislative assembly of March 11, 1889, commenced its labors in April, 1889, and almost continuously since the first day of September of that year, has worked in codifying the laws as provided in the act, and as a result the code commission has completed and filed with the secretary of State a "Civil Code," a "Code of Civil Procedure," a "Penal Code," and is now at work upon a "Political Code," which, it is expected, will be completed by the 15th day of January, 1891.

"The making of the political code is a great task and ought to have been completed before the making of the other codes, but this could not be done and comply with the act creating the commission. Much labor has been spent upon the political code in making our laws, offices, official duties, and State and county governments generally conform to the requirements of the Constitution. The commission might profitably have spent every day since the passage of the act creating it, upon the political code.

"We have felt hurried with our work on account of the limited time given for its completion. In other States from three to five years have been occupied by commissioners in codifying each subdivision of their laws, and we would be much better satisfied with our work if we had more time to bestow upon it.

"Before the codes, already filed, are finally submitted a few changes will have to be made in consequence of some of the provisions of the political code, but we hope to have all the codes ready by the 15th day of January next.

"To make each code complete and harmonious with itself, and with each of the other codes, and at the same time embody and perfect the provisions of our territorial statutes and make them conform to the Constitution, has required a vast amount of patience and labor and two years further time might well be spent in the work."

These codes will embrace the whole body of the statute law of the State except such additions as may be made at this session. The greatest possible care and investigation will of course be necessary in order to preserve harmony between their several parts and consistency between the whole and the Constitution. While the gentlemen composing the commission are learned in the law and are in every way qualified for such distinguished and important service, nothing effecting the character of their work



should be taken by implication on that account. The responsibility for the work will rest jointly upon us and the commission. The act creating the commission contemplated that five hundred copies of the several codes should be printed and placed in the hands of the State librarian, judges of the Supreme and District courts and other State officers and members of the bar of the State in order that the work might be intelligently examined and criticised before the assembling of the Legislature. There does not seem to have been any appropriation available for this purpose, at all events none were published. It will not be unwise to consider in the outset whether it will not be more prudent to first provide for the printing contemplated by the act creating the commission and then confine your labors to the enactment of such legislation as is necessary to carry out constitutional provisions and the settlement of outstanding claims against this State, leaving the code to be considered by the next session of the Legislature. Indeed, this may be necessary, as the constitution requires that every bill shall be printed before its passage.

This is an important question and worthy of your consideration.

#### PUBLIC SCHOOLS.

There is abundant evidence to show that our public school system has improved steadily from year to year. It is the great popular institution of the State and deserves well of the legislative assembly. Reliable statistics show the following interesting facts: There are about 30,000 school children in the State. About 600 teachers are employed at an average of about \$56 per month. One million dollars is invested in school property. This includes 349 school houses, but excludes private schools. At the close of the school year, Aug. 31, 1889, the several counties had on hand \$64,761.78. Total amount received for school purposes from taxation and other sources for 1889, \$569,521.91.

Paid teachers .....	\$215,578 02
Paid for school apparatus .....	6,807 16
Paid for library .....	276 87
Paid for school houses, sites, etc. ....	88,643 50
Paid other expenses .....	32,079 57
Balance on hand Aug. 31st, 1890 .....	244,119 97

During the year forty-seven school districts observed Arbor Day and 250 trees were planted. The compulsory clause of the school law has not been generally observed, but no prosecutions have been instituted under it.

#### FEES OF COUNTY OFFICERS.

Your attention is directed to the present fee bill of the respective county officers. The complaint is universal that the fees under the territorial laws, and which are now injected into the



State statutes, are unreasonable and excessive. While all officers should have a fair and just compensation, and ought to be consulted in the establishment of fees, the citizen ought not to be compelled to surrender entirely to their demands. I recommend, therefore, a complete revision and adjustment of the present law fixing the fees of county officers so as to make them approximately commensurate with the services rendered, and that all fees when collected be paid into the respective county treasuries, and that in lieu thereof, salaries be paid to such officers.

I feel confident that this will withdraw the temptation to be over zealous, ostensibly for the public good, but in reality not infrequently for their own aggrandizement. At all events it is worth the experiment, but in my judgment it should not take effect until January, A. D. 1893.

#### CORPORATIONS.

The organization of corporations to carry on large enterprises has become a necessity in this and other states; the development of our resources and the carrying forward of projects for the public good in many instances are of such magnitude and require the outlay of such large sums of money that private capital cannot be induced to embark in them. The law should provide for the incorporation of such, but I condemn as bad legislation the existing statute, inherited from the territory which permits almost every character of business and industry to become the subject of an incorporation, whereby the liability of the stockholders is limited. No one but a creditor is entitled to see the books of the corporation and hence a person dealing with such concern in the first instance is at a disadvantage. I recommend the modification of existing laws so that corporations may be formed for the following and such other purposes as may be considered proper, and which shall be specifically provided for, and no other:

- 1—The support of public worship.
- 2—The support of any benevolent, charitable, educational or missionary undertaking.
- 3—The support of any literary or scientific undertaking, the maintenance of a library or the promotion of painting, music or other fine arts.
- 4—The encouragement of agriculture or horticulture.
- 5—The maintenance of a club for social enjoyment.
- 6—The maintenance of public parks, and the facilities for skating and other innocent sports.
- 7—The maintenance of a public or private cemetery.

8—The prevention and punishment of theft or wilful injury to property and insurance against such risks.

9—The insurance of human life and dealing in annuities.

10—The insurance of human beings against sickness or personal injuries.

11—The insurance of lives of domestic animals.

12—The insurance of property against marine risks.

13—The insurance of property against loss or injury by fire or by any risk of inland transportation.

14—The transacting of a banking business.

15—The construction and maintenance of a railway and of a telegraph line in connection therewith.

16—The construction and maintenance of any other species of roads, and of bridges in connection therewith.

17—The construction and maintenance of a bridge.

18—The construction and maintenance of a telegraph line.

19—The establishment and maintenance of a stage line.

20—The establishment and maintenance of a ferry.

21—The building and navigation of steamboats, and carriage of persons and property thereon.

22—The supply of water to the public.

23—The manufacture and supply of gas, or the supply of any motive power, light or heat to the public.

24—The transaction of any manufacturing, mining, mechanical or chemical business.

25—The transaction of a printing or publishing business.

26—The establishment and maintenance of a hotel.

27—The erection of buildings and accumulation and loan of funds for the purchase of real property.

28—The improvement of the breed of domestic animals by importation, sale or otherwise, or

29—The construction of canals and reservoirs for conveying and storing water and the boring of artesian wells.

#### REGISTRATION.

The Constitution gives the legislature power to enact suitable registration laws. The schedule annexed to the Constitution provides for continuing in force all laws of the Territory not inconsistent with the Constitution, or the Constitution and laws of the United States. By this the registration law enacted by the last territorial legislature becomes a part of our State statutes. While the legislature ought to throw around the ballot every safeguard against fraud and repeating, and a proper registration law is conducive to this end, the present system overshoots the mark and operates to disfranchise many good citizens of this State whose votes are entitled to be cast and counted. In

my opinion no registration should be required as a condition precedent to voting in remote and sparsely settled communities. The facilities for transportation are inadequate in such sections of the country, and those afforded are expensive and often beyond the means of the voters. Mountain ranges are sometimes required to be crossed and the distance required to be traveled has been shown to be, in some instances, as much as a hundred miles, and not unfrequently from twelve to twenty miles. The result of this is that the ranchman, the stock-herder and the prospector, who form a large per cent of our population, and who are generally impecunious and unable to bear the burden of such an expense and loss of time as the present system necessarily entails, are compelled to remain at home and are thereby disfranchised on election day. To obviate this wrong done to the citizen, I recommend that the present registration law be so amended that registration shall not be required except in incorporated cities and towns having a given population. It is in the latter places, the centers of population, where lawbreakers and malefactors congregate that repeating and fraud are practiced, and not in remote precincts where every man knows his neighbor and a stranger is at once observed. I believe that it is an undue and unnecessary burden on the citizen to require him to register every time there is a general election. Having once registered that ought to be sufficient for at least six years.

Provision should be made whereby the elector who has once registered and removed will not lose the right of suffrage.

Aside from this the law is unreasonable and probably would be declared void upon a proceeding involving its consideration in the courts. First, because it undertakes to disfranchise a large number of voters through no fault of their own, to wit: Those who are ill and unable to attend before registration officers, but who are able to attend upon election day. Second, because it makes an unjust and unlawful distinction between the rights of native born and naturalized citizens and electors, to wit: It requires a naturalized voter to produce his certificate of naturalization or show by evidence other than his own oath that such certificate was issued, while it permits a native born citizen to prove his standing as a voter by his own oath. Third, it destroys the right of suffrage of those citizens whose qualifications as respects residence would mature between the 15th day of October and election day, the registration board having adjourned on October 15. The constitution authorizes the Legislature to enact "registration and such other laws as may be necessary to secure the purity of elections and guard against abuses of the elective franchise," but this does not authorize by direction or by indi-



rection the disfranchisement, without his own fault or negligence, any elector under the constitution.

Section 2, article 10, of the Constitution, makes the term of residence apply to a time immediately "preceding the election," so that in order to give the citizens the right of suffrage guaranteed by the Constitution he should be permitted to register on the day preceding the election. These questions were considered at length in the case of the Attorney General vs. the City of Detroit, and decided by the Supreme Court of Michigan on December 28, 1889, and reported in Vol. 41, No. 13, of the Albany Law Journal, from which I make the following extract:

Why should a person claiming to be an elector by naturalization be debarred, if he has lost his certificate, from establishing such fact by his own oath? A person may swear that he is native born, and he is not required also to prove this fact by some one else, before he can be registered; but if he wishes to show that he is an elector by naturalization, he is presumed to be unable himself to tell the truth under oath, and must be corroborated by some one else. The easiest way for a person of this class wishing to cast a fraudulent vote, would simply be to swear that he was born in the United States, and in such a case a perjurer is put to less trouble to get on the registry list than an honest man who desires to show that he has been naturalized, but who, unfortunately, has lost the record evidence of such naturalization. This distinction between native born and naturalized electors is an unfair one, and, as above shown, entirely unnecessary in order to prevent fraud. Its tendency will be to disfranchise honest men and to induce dishonest men to perjure themselves. Section 13, in reference to removals from one precinct to another and the necessary steps to become registered in such cases, seems to me most unreasonable and unnecessary; but perhaps this is within the power of the Legislature, as it is not absolutely impossible to comply with it. But in relation to naturalized voters, the very men who have probably lost their certificates and cannot now replace them are elderly men, who have been naturalized for many years, and have exercised the elective franchise in Detroit without question for upwards of a quarter of a century. They have, many of them, no doubt forgotten the particular name of the court in which they took out their papers; and to prove their issue by some one other than themselves would be, in some instances, impossible. A law that treats these men as men whose oaths cannot be taken in their own interest, while it permits a native born citizen to prove his standing as a voter by his own testimony cannot receive my sanction, as I believe such a requirement not only to be unjust and unfair, but unconstitutional, unless applied



to all. Another distinction may also be noted. A native born citizen becoming of age between the last day of registration and the election, is permitted to vote; but a foreign born citizen, who has taken out his first papers, and whose right to full citizenship or the elective franchise, will ripen between the completion of the registry list and the opening of the polls, can not vote.

In my opinion no registry law is valid which deprives an elector of his constitutional right to vote by any regulation with which it is impossible for him to comply. No elector can lose his right to vote, the highest exercise of a freeman's will except by his own fault or negligence. If the legislature, under the pretext of regulation, can destroy this constitutional right by annexing an additional qualification as to the number of days such voter must reside within a precinct before he can vote therein or any other requisite, in direct opposition to any of the constitutional requirements, then it can as well require of the elector entirely new qualifications, independent of the Constitution, before the right of suffrage can be exercised. If the exigencies of the times are such, which I do not believe that a fair and honest election cannot be held in the city of Detroit, or in any other place in our State, without other qualifications and restrictions upon both native born and naturalized citizens than those found in and authorized by the Constitution, then the remedy is with the people to alter such Constitution by the lawful methods pointed out by that instrument.

I therefore recommend such modifications of existing laws as will remedy the evils pointed out.

#### PURITY OF THE BALLOT.

The last territorial Legislature inaugurated a ballot reform that is worthy of note. While the Australian system of voting as a whole does not come up to the public expectation, it is nevertheless a departure in the right direction and its general acceptance by the people with some modifications, in my opinion, is assured. There should be no abatement of public interest in legislation designed to secure and perpetuate the purity of the ballot. The present law would be just as effective as it was designed to be if instead of printing the names of all the candidates on one continuous ticket, their names should be on separate tickets representing the party whose political principles they avowed, or upon the same ticket in separate columns. I recommend this modification of the law. The present system is tantamount to an educational qualification on the one hand, or a complete surrender upon the other to judges of election, who, in many cases,

are incompetent, and in some cases venal. The time is too short to point out the many imperfections of a law, which was well intended, but which to the most casual observer in the light of observation and actual experience has been demonstrated to be very crude. If this system can be simplified and at the same time preserve its essential qualities, in my opinion, it will popularize politics and in the end secure the most perfect reflection of the popular will of any system ever inaugurated. It stimulates courage in the dependent to vote according to his conscientious convictions, and above all, it strikes savagely at the method of machine politics and promises its complete annihilation. In other words, simplified and properly guarded, it secures to the voter the largest freedom of thought and independence of action and exercise of judgment of any system which has ever obtained to my knowledge. So certain am I of the salutary effect of this system that I venture the prediction it will never be abandoned until the state is ready to abandon its sovereignty.

If our institutions are to endure, and the honor, integrity and prosperity of the State are to continue to be the hope and anchor of the citizen, the vote of the people expressed at the polls without hindrance or intimidation must be sedulously guarded and maintained at all hazards. The duties of the officers charged with the responsibility of declaring the result of an election should be made so explicit and the punishment for misconduct made so severe that the temptation for venal treachery at vital points will be forever removed. I call your attention to the unusual and unnecessary expense in the matter of printing which the present election law entails upon the people. It should be framed to meet only necessary and proper expenses.

#### PRESIDENTIAL ELECTORS.

Before another legislature shall have assembled an election for president and vice-president of the United States will occur. Provision should therefore be made as contemplated by the United States statutes upon this subject and for canvassing the votes, declaring the result and so forth.

#### NOTARIES PUBLIC.

Under the law there is no limitation upon the number of notaries permitted to be appointed. The convenience which such an officer has been found to be, especially in remote and sparsely settled communities, has led me to appoint such in every case where the applicant possessed the necessary qualifications. There have been 369 notaries appointed and commissioned since the 8th day of November, A. D. 1889. Not a single case of mal-

feasance or misconduct in office has come under my observation or been brought to my attention.

#### REWARDS.

Under Territorial law the Governor was authorized to offer rewards for the apprehension of persons charged or convicted of crimes, in his discretion, in amount not exceeding one thousand dollars. No rewards have been offered during my term of office.

Two rewards aggregating one thousand dollars were offered by Governor White, late Governor of the Territory, for the apprehension of two Indians charged with murder. The Indians were apprehended as claimed by the Sheriff of Missoula county, the county in which the crimes were committed. They have since been convicted, and the Sheriff of that county claims the reward.

Public policy, however, it seems, is opposed to paying a reward to an officer for doing an act which, by law, it is his duty to perform; and I have been constrained to withhold the approval of this account. I also call your attention to the fact that the existing law seems to appropriate money for a reward in arresting a prisoner, but no appropriation is expressly made for the payment of a reward for the apprehension of a person not a "prisoner." In other words an escape seems to be necessary before the appropriation is available.

#### PROTECTION OF RANGES AND TIMBER FROM FIRE.

Section 3, article 19, of the constitution is as follows:

SECTION 3—The legislative assembly shall enact suitable laws to prevent the destruction by fire from any cause of the grasses and forests upon lands of the State or upon lands of the public domain, the control of which may be conferred by Congress upon this State and to otherwise protect the same.

In this State, where so much is made to depend upon the preservation of the ranges, every possible protection and safeguard consistent with property rights and a full enjoyment of the same should be invoked to prevent prairie fires, there ought to be a community of interest in this behalf. I am of the opinion that nothing could be done more conducive to this end than the passage of a law by which railroad companies operating in the state should be compelled to burn their right of way annually and thus prevent a spread of fire originating not infrequently from sparks from their engines and the cleaning of fire boxes.



## LOTTERY AND GIFT ENTERPRISES.

Section 2, Article 19, of the Constitution is as follows: "Section 2—The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State." This legislation should be enacted and penalties prescribed. A question has arisen whether existing laws apply to the sale of lottery tickets in any lottery or drawing to take place outside of the State. It should be made specific. The Supreme Court of the United States, speaking of the demoralizing effects of such concerns, says:

"Experience has shown that the common forms of gambling are comparatively innocuous when placed in contrast with the wide-spread pestilence of lotteries. The former are confined to a few persons and places, but the latter infests the whole community. It enters every dwelling; it reaches every class; it preys upon the earnings of the poor; it plunders the ignorant and the simple."

Our legislation on the subject should be so comprehensive and the penalties so severe as to close forever every avenue of approach to this insidious and demoralizing foe to society.

## TO PROMOTE UNIFORMITY OF LAWS.

A commendable effort is being put forth by the American Bar Association, seconded by a number of the states, to secure uniformity of legislation throughout the United States, especially with regard to marriage and divorce, wills, descent and distribution of property, form of deeds, acknowledgments and kindred topics.

There are but two modes of securing this end. First, an amendment to the Federal Constitution. Second, uniform action by the states. The first method is not feasible or practicable. Your attention is invited to the second method, voluntary action by the several states. The legislature of the State of New York has taken the initiative in this matter and has passed the following law:

SECTION 1—Within thirty days after the passage of this act, the governor shall appoint by and with the consent of the Senate, three commissioners, who are hereby constituted a board of commissioners by the name and style of "commissioner's for the promotion of uniformity of legislation in the United States." It shall be the duty of said board to examine the subject of marriage and divorce, insolvency, the form of notarial certificates and other subjects; to ascertain the best means to effect an assimilation and uniformity in the laws of the States, and



especially to consider whether it would be wise and practicable for the State of New York to invite the other States of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several States and to devise and recommend such other course of action as shall best accomplish the purpose of this act."

Such anomalies as sometimes arise under the laws of the different States respecting the subjects referred to ought not to exist. It is recommended therefore that action be taken looking to our co-operation in some plan to promote this very desirable end.

#### EXPENSES OF CONSTITUTIONAL CONVENTION.

The \$20,000 appropriated by congress to defray the expenses of holding the late constitutional convention was found to be inadequate for that purpose. Additional clerk hire and other officers, including a stenographer, and a stenographic report of the proceedings of the convention, was by resolution of the convention declared to be necessary and proper for the convenient and early dispatch of business. To cover these extra expenses the convention adopted an ordinance appropriating the following sums for the following purposes respectively, and declared the same to be charges against the State of Montana. The item for the stenographic report is an approximation but of course is capable of being rendered certain when the report is filed.

John Trumbull, clerk.....	\$ 220 00
E. C. Garret, clerk.....	215 00
John McKay, clerk.....	220 00
Lee Swords, clerk.....	215 00
Edward Kerr, clerk.....	215 00
Henry Bernard, clerk.....	215 00
Miss Jennie Merriman, clerk.....	160 00
William Taylor, clerk.....	55 00
William Green, asst. sergt. at arms.....	175 00
Morris Langhorne, page.....	172 00
Cornelius Hedges, page.....	172 00
Wm. D. Alexander, page.....	172 00
Henry Bernard, for supervising the printing of the constitution and typewriting.....	100 00
Lee Swords, for acting as clerk to the committee on address.....	25 00
C. P. Connolly, stenographer.....	675 00
C. P. Connolly, transcript of proceedings and debates of constitutional convention (estimated).....	1,800 00.
Printing 20,000 copies of the constitution (estimated).....	2,100 00
Total.....	\$6,906 00

I, therefore, recommend that the same be paid by the State and that Congress be memorialized to reimburse the State as it intended by its enabling act to cover all expenses of the conven-

tion. Inasmuch as this ordinance was not submitted to the people for ratification and by them ratified, legislation is required to give it effect. Similar deficiencies growing out of the admission of North and South Dakota and Washington were allowed by the last Congress, but owing to some imperfection of our proofs or otherwise Montana's claim was omitted.

#### CONSTITUTIONAL AMENDMENTS.

Conscious of the fact that the Constitutional Convention, which formulated and adopted our Constitution, committed a grievous mistake in providing for the apportionment and representation of Senators by which population, the only just basis of representation under our form of government was wholly ignored, I call upon the Legislative Assembly at the first opportunity to provide for the early submission of a constitutional amendment whereby this inequality may be speedily corrected.

#### THE WORLD'S COLUMBIAN EXPOSITION.

The propriety of taking such steps as may be necessary to enable Montana to be creditably represented at the World's Columbian Exposition, to be held at Chicago in 1893, by virtue of an act of Congress approved April 25, 1890, will be for your determination. I have every reason to believe that this exposition will be the crowning glory of the nineteenth century, and that no better opportunity will ever be offered of placing before the world in an attractive form the great and varied resources and illimitable possibilities of our young State than that furnished at this great exposition.

I would be glad to let the world know with what prodigality nature has endowed us and call attention to the splendid field which our State offers for intelligent exploration and development. Every phase of our great wealth-producing resources should be made manifest and fully exemplified, including a practical application of the principles of irrigation so simple and yet so little understood and appreciated.

Under the act creating the commission, A. H. Mitchell, of Deer Lodge county, and L. H. Hershfield, of Lewis and Clarke county, were appointed by the president of the United States as commissioners to represent the State of Montana upon said commission. T. E. Collins, of Cascade, county and Benjamin F. White, of Beaverhead county, were appointed their alternates.

Mrs. Lily Rosecrans Toole, of Lewis and Clarke county, and Mrs. H. Knippenberg, of Beaverhead county, were by the president of the commission, upon the recommendation of the commissioners of this state, appointed upon the board of lady managers. Mrs. Marian D. Cooper, of Gallatin county, and Mrs.

F. I. Worden, of Missoula county, their alternates. Montana was complimented by the appointment of Mrs. Mary S. Harrison, of Montana, as a lady manager at large; and also the only vice-president at large; thus making our State one of the eight with a representation of three lady managers on the board.

I favor as large an appropriation by the State as is consistent with our resources and permissible under the Constitution. The views of the commissioners will be presented to you hereafter, touching not only the amount required but the general scope and plan of action.

#### ADMISSION DAY.

I recommend that the 8th day of November, the day of our admission into the Union, be declared a legal holiday.

#### GREAT SEAL OF THE STATE.

A State Seal should be adopted as well as seals for the several courts and commissions.

The time in which you are limited to do the work of the session is scarcely adequate, but much can be accomplished. Concerning the foregoing recommendations and all other proper subjects of legislation, you may rely upon my cordial co-operation.

Executive Office, Helena, Montana, January 30, A. D. 1891.

JOS. K. TOOLE,  
GOVERNOR.

## EXHIBIT A.

STATEMENT SHOWING ASSESSMENTS OF COUNTIES FOR 1889 AND 1890, WITH  
INCREASE OR DECREASE IN 1889 OVER 1890.

COUNTIES.	1889.	1890.	Increase.	Decrease.
Beaverhead .....	\$ 3,128,078	\$ 3,013,172	\$.....	\$114,906
Choteau .....	4,155,281	4,950,217	794,936	.....
Custer .....	4,465,411	6,380,177	1,919,766	.....
Cascade .....	4,311,690	8,646,548	4,334,858	.....
Dawson .....	1,742,887	2,406,681	663,794	.....
Deer Lodge .....	7,826,645	9,900,491	2,073,846	.....
Fergus .....	2,985,851	3,299,475	313,624	.....
Gallatin .....	4,320,570	4,643,119	322,549	.....
Jefferson .....	3,167,714	3,919,400	751,686	.....
Lewis and Clarke .....	15,437,096	26,708,717	11,271,621	.....
Madison .....	2,752,651	3,035,456	281,805	.....
Meagher .....	2,866,802	4,043,437	1,136,635	.....
Missoula .....	4,982,716	8,113,188	3,130,472	.....
Park .....	3,062,900	4,492,436	1,429,536	.....
Silver Bow .....	11,368,572	16,208,833	4,840,261	.....
Yellowstone .....	2,852,080	3,217,037	414,957	.....
Totals .....	\$79,376,944	\$112,373,384	\$33,675,346	\$114,906

## EXHIBIT B.

STATEMENT SHOWING NET INDEBTEDNESS OF THE SEVERAL COUNTIES  
MARCH 1, 1890, AND INCREASE AND DECREASE FOR THE  
YEAR ENDING FEBRUARY 28, 1890.

COUNTIES.	Indebtedness Mar. 1, 1889.	Indebtedness Mar. 1, 1890.	Increase.	Decrease.
Beaverhead .....	\$ 37,869 22	\$ 76,303 08	\$ 38,433 86	\$.....
Choteau .....	124,562 27	124,294 05	.....	268 22
Custer .....	245,733 83	260,979 50	15,245 97	.....
Cascade .....	69,801 06	53,019 22	.....	16,781 84
Dawson .....	132,671 47	125,181 96	.....	7,489 51
Deer Lodge .....	106,947 31	139,676 15	32,728 84	.....
Fergus .....	19,239 97	18,295 30	.....	944 67
Gallatin .....	65,717 90	57,591 55	.....	8,126 35
Jefferson .....	121,464 22	154,549 35	33,085 13	.....
Lewis and Clarke .....	163,167 44	125,679 15	.....	37,488 29
Madison .....	.....	87,229 00	.....	.....
Meagher .....	55,318 26	81,076 13	25,757 87	.....
Missoula .....	165,762 46	223,839 73	58,077 27	.....
Park .....	55,674 68	64,379 18	8,704 50	.....
Silver Bow .....	125,000 00	77,281 11	.....	47,718 89
Yellowstone .....	120,392 87	125,649 18	4,256 31	.....
Totals .....	\$1,609,322 66	\$1,794,023 64	\$216,289 75	\$118,817 77



## EXHIBIT C.

STATEMENT SHOWING THE CONDITION OF THE SEVERAL FUNDS AND THE AMOUNT CONTRIBUTED TO EACH BY THE RESPECTIVE COUNTIES.

COUNTIES.	General Fund.	Stock In-specion.	Stock Indemnity.	Sheep In-specion.	Auditor.	Secretary of State.	Boiler In-specion.	Escheats.	Totals.
Beaverhead .....	\$ 7,131 80	\$ 464 35	\$ 63 97	\$ 86 28	\$ .....	\$ .....	\$ .....	\$ .....	\$ 7,660 12
Choteau.....	17,633 63	592 83	.....	.....	.....	.....	.....	.....	18,312 74
Custer.....	9,097 35	1,923 79	625 44	103 68	.....	.....	.....	.....	11,750 26
Cascade.....	8,678 21	2,811 05	922 11	48 84	.....	.....	.....	.....	12,460 21
Dawson.....	1,985 27	187 94	62 31	72 06	.....	.....	.....	.....	2,307 58
Deer Lodge.....	33,749 89	753 49	252 00	.....	.....	.....	.....	601 88	35,357 26
Fergus.....	8,140 05	1,951 69	620 37	985 82	.....	.....	.....	747 21	12,445 14
Gallatin.....	11,406 04	.....	66 23	48 27	.....	.....	.....	.....	11,520 54
Jefferson.....	9,768 29	915 71	292 44	32 85	.....	.....	.....	.....	11,009 29
Lewis and Clarke .....	48,996 31	466 85	157 01	5 04	2,580 40	2,315 50	.....	.....	54,521 11
Madison.....	7,690 98	1,215 48	363 95	.....	.....	.....	.....	1,435 34	10,705 75
Meagher .....	8,391 51	1,128 15	398 82	598 06	.....	.....	.....	.....	10,516 54
Missoula .....	17,861 87	.....	178 62	.....	.....	.....	.....	21,619 20	39,959 69
Park.....	11,391 67	4 56	54 28	.....	.....	.....	.....	.....	11,450 51
Silver Bow .....	47,459 63	16 98	73 23	31	.....	.....	3,897 00	.....	51,447 15
Yellowstone .....	6,181 80	928 61	58 62	272 31	.....	.....	.....	.....	7,441 34
Totals .....	\$255,564 30	\$13,361 48	\$4,189 40	\$2,253 52	\$2,580 40	\$2,315 50	\$3,897 00	\$24,403 63	\$308,565 23

## EXHIBIT D.

## AMOUNT OF CLAIMS AGAINST THE STATE. (APPROXIMATED.)

Sheriff's claims for board in county jail.....	\$	8,727	95
Claims account requisition papers.....		652	70
Bounty certificates.....		11,501	00
State prison contractors—			
Prisoners at 70 cents per day.....	\$	19,250	00
Prisoners at 65 cents per day.....		20,595	90
			39,845 90
National Guard claims—			
Annual appropriation (company).....	\$	6,750	00
Other claims.....		7,012	50
			13,762 50
State board of arbitration.....			290 40
Claims for printing.....			6,515 80
Claims for care and maintenance of the insane—			
Amount for maintenance.....	\$	69,065	97
Amount for clothing and cash.....		1,330	50
			70,396 47
Claims account of Legislature.....			2,325 30
Claims for transportation of deaf mutes from institutes to Montana, note given by State officers for amount—			
Amount of note.....	\$	700	00
Interest.....		46	00
			746 00
Claims on writs of habeas corpus.....			208 90
Claims for making arrest by warrant from lieutenant governor, (no certificate issued for this claim).....			195 00
Rewards.....			1,000 00
			\$156,168 42

## EXHIBIT E.

HELENA, Montana, Dec. 23, 1890.

*To His Excellency,*

JOSEPH K. TOOLE,

*Governor of Montana.*

DEAR SIR—I have the honor to herewith submit for your consideration a statement of the business transacted by the district court of the first judicial district of the State, from the date of the admission of the State, November 8th, 1889, up to and including the 22d day of December, 1890. Court was regularly opened for business on November 9, 1889, and has continually been in session since that date, except upon holidays and during the month of August when I was out of the State.

I respectfully call your attention to the fact that there has been a steady increase in business for the past three years, and invite your attention to the volume of business which has been transacted during the past thirteen months as well as to the large

number of cases still undisposed of, and which is increasing every day. During the time that I have occupied the bench I have done my utmost to dispose of the old cases which I found upon the calendar when the State was admitted. Many of these cases were important, and consumed much time and disposition.

The experience of the past thirteen months clearly demonstrates, I think, the need of another judge in this district. It is a very severe tax upon one man to hold court each and every day, and give to the important questions that consideration that is due to the propositions of law presented and that a judge feels he should and would like to give. I do not hesitate, therefore, to express to you my earnest hope that you may deem it fit to recommend to the legislature the enactment of a law by which there may be two judges and two departments of our district court.

I have conferred with nearly all the members of the bar and so far as I am able to judge their wish is unanimous for the relief suggested. As to the provisions of the law creating a new judgeship, it is unnecessary for me to make any suggestions, unless called upon to do so. I have the honor, sir, to remain your obedient servant.

WILLIAM H. HUNT,  
Judge First Judicial District.

### STATEMENT.

Civil cases on docket when State was admitted.....	501	
New cases since November 8, 1889.....	721	
		<hr/>
Total number of civil cases.....		1,222
Criminal cases commenced since November 8, 1889.....	142	
Insane cases tried by juries, pursuant to law, from November 8, 1889.....	21	
		<hr/>
		163
		<hr/>
Total number of cases, civil, criminal and insane.....		1,385
 CONTRA.		
Civil cases disposed of and finally determined from November 8, 1889.....	580	
Criminal cases disposed of from November 8, 1889.....	141	
Insane cases disposed of from November 8, 1889.....	21	
Total number of cases entirely disposed of from November 8, 1889.....		742
Cases yet to be disposed of on the docket.....		<hr/>
		643
		<hr/>
		1,385

There have been also 71 new estates filed for probate from November 8, 1889.

The following communications from the Senate were received:

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that S. J. M. No. 1 has passed the Senate, and the same is hereby transmitted.

Notice of introduction of bills have been given as follows:

By Thornton:

A bill for an act to provide for the holding of regular sessions of the Supreme Court.

By Hedges:

A concurrent resolution to create a commission to receive proposals for the location of State public institutions.

By Hoffman:

A bill for the better protection of travelers.

By Hoffman:

A bill for the creation of the office of Land Commissioner.

Yours respectfully,

JNO. J. FALLON,  
Secretary.

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Senate has directed its Committee on Rules to confer with a like Committee of the House for the purpose of reporting joint rules for the government of the two Houses.

Very respectfully,

JNO. J. FALLON,  
Secretary.

On motion of Woodson, Messrs. Woodson, Loud and Barrows were appointed a Committee on Joint Rules to act in conjunction with committee appointed by the Senate.

The following notices of introduction of bills were given:

By Twoby:

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill to provide for a State Inspector of Illuminating Oils for the State of Montana.



By Frank:

*Mr. Speaker:* I will introduce a bill entitled An Act Defining the Powers and Prescribing the Duties of additional District Judges.

By Hastie:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day introduce a bill providing for the organization and government of irrigation districts, and the sale of bonds arising therefrom.

By Penrose:

*Mr. Speaker:* To-morrow or on some future day I will introduce bills for acts to repeal Sections 252, 253 and 254 of the Fourth Division of the compiled Statutes of Montana.

By Dusseault:

*Mr. Speaker:* Notice is hereby given that to-morrow or at some future day I will introduce a bill entitled An Act Concerning Cruelty to Animals, Providing Penalties Against Persons Who Neglect or Cruelly Treat the same.

By Day:

*Mr. Speaker:* I will on to-morrow or on some future day introduce a bill entitled An Act Regulating State and County Printing, with provisions for violation of the same.

By Beach:

*Mr. Speaker:* I will on to-morrow or some subsequent day introduce a bill for an act to provide for the care and keeping of the convicts confined in the State Penitentiary,

By Breen:

*Mr. Speaker:* I will to-morrow or some future day introduce a bill creating the office and defining the duties of Coal Mine Inspector.

By Carney:

I will on to-morrow or some future day introduce a bill to amend section 4 of the Fifth Division of the Compiled Statutes.

By Carney:

*Mr. Speaker:* I will on to-morrow or some future day introduced a bill for an act to allow the raising of the waters of the Jefferson River for irrigating purposes.

By Harlan:

*Mr. Speaker:* I hereby give notice that I will on to morrow or some future day introduce a bill providing for an amendment to the State Constitution in relation to the terms of County Commissioners.

By Wallace:

Notice of introduction of bills as follows:

1. For an act defining and prohibiting Trusts.
2. For an act providing for a Bureau of Labor, Agriculture, and Industry and defining the powers and duties of its commission.
3. For an act prohibiting profiting out of public moneys.
4. For an act providing for publication of decisions of Supreme Court.
5. For an act prescribing the compensation and duties of the Clerk of the Supreme Court and regulating his fees.
6. For an act providing for juries in the Supreme Court.
7. For an act A Census.
8. For an act regulating the letting of stationery and supply contracts.
9. For an act to secure the taking of depositions in criminal cases.

By Holter:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill in relation to the assessment of mortgages and other property.

Norton introduced the following H. C. Resolution No. 1:

Resolved by the House of Representatives, the Senate concurring:

That a joint committee on codification and revisions of laws be appointed, consisting of three members from the Senate and six members of the House, who in conjunction with the Code Commission shall examine the Statutes as so codified by the Code

Commission and report to their respective bodies daily as far as may be practicable with such amendments or recommendations as they may deem necessary.

On motion of Barrows further action upon Resolution was postponed.

Barrows, Chairman select committee on revision of rules made following report:

*Mr. Speaker:* Your special committee on rules, to whom was referred the code of rules as adopted by the House, with instructions to revise the same, have had the same under consideration and beg leave to report back the same with amendments and recommend that they be adopted as amended.

Amend Rule 2, on line two, by striking out the words "Elected to" and inserting the word "of" in lieu thereof.

Amend Rule 2, by striking out the words "time to time" and inserting "day to day" in lieu thereof.

Amend Rule 5. line three and four, by striking out the words, "The Governor" and Lieutenant Governor, Members of the late Constitutional Convention, the State Officers," and insert in lieu thereof, "All State and Legislative Officers, Members of the last Constitutional Convention.

General amendment by changing the words "Yeas and Nays" to the words "Ayes and Noes" wherever they occur.

Amend Rule 14, line two, by inserting after the word "Speaker" the words "in the presence of the House."

Amend Rule 15, line five, by striking out the figure "10" and inserting the figure "11."

Amend Rule 16, line 1, by striking out the word "and" and inserting the word "or" in lieu thereof.

Amend Rule 16, by striking out all of the rule after line 3 and inserting the following:

1. Ways and Means.
2. Judiciary.
3. Appropriation and Claims.
4. Privileges and Elections.
- 5: Agriculture and Stock growing.

6. Education.
7. Mines and Minerals.
8. Towns, Counties and Highways.
9. Incorporations and Manufactures.
10. Military Affairs.
11. Federal Relations.
12. Internal Improvements.
13. Public Lands.
14. Water Rights and Irrigation.
15. State Boards and Officers.
16. Labor.
17. Appropriations and Representation.
18. Railroads and Transportation.
19. Revision and Codification.
20. Rules and Joint Rules.
21. Printing.
22. Engrossment.
23. Enrollment.

Amend Rule 17, add the word Journal on line 9, the words, "unless otherwise ordered by the House."

Amend Rule 20, line 4, by inserting after the word reference the word "to" and insert the words "and codification" after the word "revision" on line 1.

Amend Rule 26 by striking out all of the rule after line 4 and substituting the following:

1. Presentation of Petitions.
2. Notices.
3. Reports of standing Committees.
4. Reports of Select Committees.
5. Introduction of Bills.
6. Motions and Resolutions.
7. Reading of House Bills, Resolutions and Memorials.
8. Consideration of Messages from the Senate.
9. Third Reading of House Bills.
10. Third Reading of Senate Bills.
11. Consideration of General Orders.
12. Unfinished Business.



Amend Rule 29, by striking out the last two lines and substituting the words: "unless by the consent of two-thirds of the members present."

Strike out Rule 33 and substitute the following therefor: No. 33—All House bills, after their second reading, shall be referred to an appropriate committee, and if favorably reported by said Committee, shall be printed as recommended, without a special order from the House;

*Provided:* That under no circumstances shall any bill be placed in the hands of the printer, but a true copy thereof shall be made, under the direction of the Printing Committee, and forthwith by that committee delivered to the printer, with instructions to print a sufficient number of copies thereof and return the same without delay.

Amend Rule 36 by striking out the words, "one of the standing committees," and insert the words "a committee in lieu thereof.

Amend Rule 37 by striking out the words, "and bills taking no other reference.

Amend Rules 60 and 61 by striking out the word "five" and inserting the word "ten" in lieu thereof.

Amend Rule 72 by inserting the word "and" between the words "section" and "line" on line five.

Amend rule 78 by striking out the word "standing" on line 3.

Strike out Rule 79 and substitute the following: Rule 79—The Speaker upon resuming the chair shall receive the report of the Chairman of the Committee of the Whole and the House shall then take action thereon.

Amend Rule 88 by striking out the words "nor shall any" in line 4 and inserting a period and the word "no" after the word amendment. Also insert the word "shall" after the word rule in same line.

Amend Rule 90 by striking out the words "Jefferson's Manual" and inserting the words "Cushing's Law and Practice of Legislative Assemblies.

JOHN R. BARROWS,  
Chairman.

On motion of Norton the report was adopted.

On motion of Norton, Select Committee of four were appointed on printing, consisting of Messrs. Norton, Hardenbrook, Penrose and Barrows.

On motion of Frank, Frank Cochran and Eddie Boos were elected pages.

On motion of Carney, a committee of three were appointed on mileage and per diem of members of the House, consisting of Messrs. Carney, Harlan and Kempland.

On motion of Breen, Comly and Witter were granted indefinite leave of absence.

Monteith was granted leave of absence until Tuesday 2 P. M.

Toole, Higgins and Mitchell were granted leave of absence until Monday at 2 P. M.

Pairs were announced between Higgins and Mitchell until Monday at 2 P. M.

On motion of Toole, House took a recess until 2 P. M.

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2 P. M.

House resumed.

Speaker pro tem in the chair.

Kempland, Poole, Dusseault and Goodman were granted leave of absence until 2 P. M. Monday.

On motion of Harlan, House took a recess for 30 minutes.

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2:45 P. M.

House resumed.

Speaker pro tem in the chair.

The Chair announced the following Standing Committees of the House:

## WAYS AND MEANS.

Beach, Frank, Hardenbrook, Norton, Stebbins.

## JUDICIARY.

Wallace, Crutchfield, Barrows, Higgins, Loud, Goodman, Howey.

## APPROPRIATIONS AND CLAIMS.

Toole, Day, Beach, Twohy, Thompson, Eaton, Cory.

## PRIVILEGES AND ELECTIONS.

Woodson, Burns, Schmidt, Horsky, Harrington.

## AGRICULTURE AND STOCKGROWING.

Burns, Carney, McElwee, Blair, Mitchell.

## EDUCATION.

Norton, Wallace, Hardenbrook, Twohy, Howey.

## MINES AND MINERALS.

Penrose, Kempland, Clark, Breen, Blake, Witter, Roberts.

## TOWNS, COUNTIES AND HIGHWAYS.

Blakeley, Frank, Crutchfield, Holter, Monteith.

## INCORPORATIONS AND MANUFACTURES.

Frank, Hughes, Humber, Cory, Greenough.

## MILITARY AFFAIRS.

Phillips, Hollywood, Kempland, Harlan, Hoffman.

## FEDERAL RELATIONS.

Twohy, Schmidt, Blakeley, Holter, Hastie.

## INTERNAL IMPROVEMENTS.

Higgins, Hughes, Woodson, Newcomer, Thompson.

## PUBLIC LANDS.

Clark, Humber, Barrows, Holter, Harlan.

## WATER RIGHTS AND IRRIGATION.

McElwee, Toole, Dusseault, Carney, Witter, Waite, Hoffman.

## STATE BOARDS AND OFFICERS.

Whaley, Hollywood, Carney, Pool, Newcomer, Moran, Blake.

## LABOR.

Breen, Toole, Whaley, Dusseault, Lochray, Blair, Roberts.

## APPORTIONMENT AND REPRESENTATION

Hughes, Higgins, Woodson, Eaton, Blake.

## RAILROADS AND TRANSPORTATION

Boardman, Cory, Horsky, Penrose, Humber.

## REVISION AND CODIFICATION.

Goodman, Waite, Wing, Burns, Pool.

## RULES AND JOINT RULES.

Loud, Moran, Phillips, Hollywood, Barrows.

## PRINTING

Hardenbrook, McElwee, Eaton, Greenough, Mitchell.

## ENGROSSMENT.

Kempland, Pool, Hastie, Wing, Stebbins.

## ENROLLMENT.

Day, Harrington, Monteith.

On motion of Norton, Printing Committee was instructed to have the Standing Committees and Order of Business printed on cards for each member.

Crutchfield introduced the following resolution :

*Resolved*, That Benj. Webster and J. R. Eardley be and are hereby elected assistants to the Chief Clerk and B. F. Hooper be and is hereby elected janitor.



On motion of Hughes resolution adopted.

The following bills were introduced, previous notice having been given:

By Frank:

H. B. No. 1—A bill for an act entitled An Act to Provide for an Additional Judge for the District Courts in the First and Second Judicial Districts of the State of Montana.

Read first and second times.

Referred to Judiciary Committee.

By Goodman;

H. B. No. 2—A bill entitled An Act Relating to Information in Criminal Cases.

Read first and second times.

Referred to Judiciary Committee.

By Harlan:

H. B. No. 3—A bill for an act entitled An Act Fixing the Number of Members of the House of Representatives of the State of Montana and the ratio of the same to population, and apportioning the members among the Counties of the State.

Read first and second times and referred to Apportionment and Representation Committee.

By Toole:

H. B. No. 4—A bill for act to Prescribe the Number, Duties and Compensation of the Officers and Employes of Each House.

Read first and second times.

Referred to Committee on Ways and Means.

By Howey—H. B. No. 5:

A bill for an act to provide for the management and maintenance of the State Prison.

Read first and second times.

Referred to Committee on Ways and Means.

By Breen—H. B. No. 6:

A bill for an act to regulate contracts for underground labor and to provide for the enforcement thereof.

Read first and second times.

Referred to Committee on Labor.

By Whaley—H. B. No. 7:

A bill for an act to amend Sections 1831 and 1836, 5th Division, Compiled Statutes of Montana, Relating to the Office of Road Supervisor.

Read first and second times

Referred to Committee on Towns, Counties and Highways.

By Beach—H. B. No. 5.

A bill for an act Requiring all County and District Officers to report the Fees and Emoluments received by them to the County Commissioners and requiring the County Clerks to report the substance, thereof, to the State Auditor and for the publication of the same.

Read first and second times.

Referred to Committee on Ways and Means.

By Beach—H. B. No. 9:

A bill for an act fixing the fees for the performance of certain official duties by the Secretary of State.

Read first and second times.

Referred to Committee on State Boards and Officers.

By Toole—H. B. No. 10:

A bill for an act to Prescribe the Duties of the State Board of Examiners.

Read first and second times.

Referred to Committee on State Boards and Officers.

Crutchfield introduced the following resolution:

*Resolved*, That C. E. Gibbs be and is hereby elected as an assistant to the Chief Clerk.

On motion of Barrows resolution was adopted.

Senate Joint Memorial No. 1 referred to Committee on Federal Relations.

Carney, Chairman Committee on Mileage and Per Diem, made following report:

*Mr. Speaker:* Your Committee appointed to ascertain the amounts due members of the House of Representatives of the Second Legislative Assembly for mileage and per diem up to and including Jan. 30, 1891, the said date being the twenty-sixth day of the Legislative Session, beg leave to report that they find the following named persons entitled to the amounts set opposite their respective names:

	Miles.	Amount.	Days.	Amount.
Barrows, J. R.	400	\$ 80 00	26	\$156 00
Beach, E.	170	34 00	26	156 00
Boardman, J. M.	610	122 00	26	156 00
Blair, J. M.	186	37 20	26	156 00
Blake, A. S.	332	66 40	26	156 00
Blakely, C. P.	200	40 00	26	156 00
Breen, P.	51	10 80	26	156 00
Burns, A. F.	14	2 80	26	156 00
Bray, A. F.	148	29 60	26	156 00
Carney, P.	250	50 00	26	156 00
Clark, J. K.	148	29 60	26	156 00
Cory, D. A.	.....	.....	26	156 00
Courtney, T. F.	148	29 60	26	156 00
Crutchfield, C. M.	214	42 80	26	156 00
Day, A. M.	148	29 60	26	156 00
Dusseault, A. M.	148	29 60	26	156 00
Dolman, P. R.	148	29 60	26	156 00
Eaton, C. H.	470	94 00	26	156 00
Frank, H. L.	148	29 60	26	156 00
Gilligan, J. W.	148	29 60	26	156 00
Goodman, E. H.	70	14 00	26	156 00
Greenough, T. L.	250	50 00	26	156 00
Hardenbrook, C. K.	162	32 40	26	156 00
Harlan, W. B.	390	78 00	26	156 00
Harrington, F.	388	77 60	26	156 00
Hastie, E. D.	260	52 00	26	156 00
Higgins, F. S.	250	50 00	26	156 00
Hoffman, F. H.	148	29 60	26	156 00
Hogan, J.	148	29 60	26	156 00
Hollywood, F.	222	44 40	26	156 00
Holter, A. M.	.....	.....	26	156 00
Horskey, J.	.....	.....	26	156 00
Howey, R. H.	.....	.....	26	156 00
Hughes, S.	224	44 80	26	156 00
Humber, R. G.	140	28 00	26	156 00
Kempland, A. L.	224	44 80	26	156 00
Lochray, C.	230	46 00	26	156 00
McElwee, D. P.	164	32 80	26	156 00
Mitchell, S.	304	60 80	26	156 00
Moran, H. M.	774	154 89	26	156 00
Monteith, J. H.	148	29 60	26	156 50
Newcomer, M.	930	186 00	26	156 00
Norton, W. H.	400	80 00	26	156 00
Phillips, J. T.	250	50 00	26	156 00
Penrose, W. J.	148	29 60	26	156 00
Poole, G. E.	120	24 00	26	156 00
Roberts, W. H.	148	29 60	26	156 00
Schmidt, L. A.	148	29 60	26	156 00
Stebbins, C. H.	248	49 60	26	156 00
Toole, J. R.	224	44 80	26	156 00
Twohy, J. C.	100	20 00	26	156 00
Thompson, Wm.	148	29 60	26	156 00
Waite, J. B.	380	76 00	26	156 00
Wallace, Wm., Jr.	.....	.....	26	156 00
Whaley, W. C.	64	12 80	26	156 00
Wing, R. B.	288	57 60	26	156 00
Witter, A. C.	288	57 60	26	156 00
Woodson, J. A.	150	30 00	26	156 00
Comly, H. R., Speaker	.....	.....	26	156 00
Loud	874	174 80	26	156 00

P. CARNEY,  
Chairman.

On motion of Harlan, report was adopted.

Moran was granted leave of absence until Tuesday, 2 P. M.

Boardman was granted leave of absence until Monday.

The following pairs were announced:

Moran and Woodson until Tuesday, 2 P. M.

Goodman and Toole until Monday.

Boardman and Clark until Monday.

On motion Howey, House adjourned.

CHAS. Z. POND,  
Chief Clerk.



## TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,

Helena, Montana, January 31st, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Howey introduced the following resolution:

*Whereas*, The sad news has been conveyed to us, realizing our worst fears, that one of our number, who so recently left us in apparent health, has followed his dear wife to the Spirit World. Now, therefore, be it *Resolved*, That this House, as a mark of its esteem and respect for this late associate, Aaron C. Witter, representative from Beaverhead County, and as an expression of our profound and universal sorrow, we hereby request our Speaker to appoint a Committee to attend the funeral of our late associate, that our Sergeant-at-Arms provide suitable emblems of our sorrow and out of our respect to his memory that the House do now adjourn until Tuesday, at 10 o'clock A. M.

On motion of Hollywood the resolution was adopted:

The Chair appointed the following committees in compliance therewith:

Committee to attend funeral:

R. G. Humber, Wing, Loud, Harrington, Hastie, Kempland, Harlan, Frank, Clark, Whaley, Carney, Hollywood.

Committee to draft resolutions of respect:

Loud, Howey, Hastie, Hardenbrook, Blakeley.

On motion of Howey, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## THIRTIETH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 3d, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the twenty-sixth and twenty-seventh day read and approved.

Petition introduced by Breen from the labor organizations of the State was referred to Judiciary Committee.

Blakeley introduced petition from the people of Belgrade, Montana, signed by C. Gerber and thirty others regarding the practice of medicine and surgery in this State.

Referred to Committee on Water Rights and Irrigation.

The following notices for the introduction of bills were given:

By Lochray:

*Mr. Speaker:* I hereby give notice that I will on some future day I will introduce a bill regulating the mining of coal and for the protection of employes of coal mines in Montana.

Peter Breen:

*Mr. Speaker:* I hereby give notice that on to-morrow or some future day I will introduce a bill to prevent blacklisting.

By Howey:

*Mr. Speaker:* I hereby give notice that on to-morrow or on some subsequent day I will introduce a bill for an act to fix the number of school trustees in cities and towns.

By Breen:

*Mr. Speaker:* I hereby give notice that on to-morrow or some future day I will introduce a bill to prevent the issuance of worthless checks.

By Loud:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or upon some future day I will introduce a bill for an act entitled An Act to Create State and County Canvassing Boards, and to Prescribe the Duties of the same.

Also a bill for an act entitled An Act to Amend An Act to Provide for the Payment of Bounties for the Killing of Certain Stock-Destroying Animals, approved Feb. 20th, 1889.

A bill for an act entitled An Act to Protect the Grasses and Forests of the State From Destruction by Fire.

By Carney:

*Mr. Speaker:* I will on to-morrow or on some future day introduce a bill for an act to define the powers and prescribe the duties of State Board of Land Commissioners.

By Barrows:

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill for an act entitled An Act Continuing the Code Commission and amending an Act of the Sixteenth Legislative As-

sembly of the Territory of Montana, approved March 14th, 1889, entitled An Act to Provide for the Appointment of a Commission to Codify the Criminal and Civil Law and Procedure and to Revise, Compile and Arrange the Statute Laws of Montana.

By Hoffman:

I will upon to-morrow or some future day introduce a bill to amend Section 1798 of the Fifth Division of Compiled Statutes of the State of Montana.

By Wallace:

Notice of introduction of Bills for the following acts:

1. For an act prescribing when laws shall take effect.
2. For an act concerning notaries' fees.
3. For an act concerning interest.
4. For an act defining embezzlement.
5. For an act concerning executions.
6. For an act to provide an index for District Court records.
7. For an act concerning fish.
8. For an act regulating payment of labor done and materials furnished to railways.

Beach, Chairman Committee on Ways and Means, made the following report.

*Mr. Speaker:* Your Committee on Ways and Means, to whom was Referred House Bill No. 8—a bill for an act requiring all county and district officers to report the fees and emoluments received by them to the County Commissioners, and requiring the County Clerk to report the substance thereof to the State Auditor, and for publication of the same, beg leave to report that they have carefully considered the same, and report the bill back, with the recommendation that it do pass.

COMMITTEE ON WAYS AND MEANS,

By Beach, Chairman.

H. B. No. 8 was then referred to Committee on Printing.



On motion of Twohy, Senate J. M. No. 1 was read first and second times.

Woodson, Chairman Committee on Joint Rules, made the following report:

*Mr. Speaker:* Your Committee on Joint Rules beg leave to submit the following:

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

No. 1. Time of Opening and Closing—The Chamber of the Senate and the Hall of the House of Representatives shall be open from 8 o'clock A. M. until 11 o'clock P. M., of each day during the sessions, unless by resolution of the Senate its Chamber, or by resolution of the House, its Hall shall be closed.

No. 2. Messages, How to be Transmitted—Messages shall be transmitted between the two Houses by the Sergeant-at-Arms or his assistants, or by such other officer as either House may designate, which messages shall keep each House informed with promptness of all notices given, and bills introduced, and of the general condition and state of the business of the other, and such messages shall be in writing.

No. 3. Announcement of Messages—When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent by the Sergeant-at-Arms, or his assistants, and shall be respectfully communicated to the presiding officer by the person by whom it is sent.

No. 4. Transmission of Papers—Each House shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded.

No. 5. Printing of Bills and Resolutions—When any bill, memorial or resolution, is ordered to be printed, sufficient number of copies shall be printed for the use of both Houses and the quota for each House delivered to its Sergeant-at-Arms.

No. 6. Documents Ordered Printed to be Communicated to Each House—It shall be the duty of the Chief Clerk of the House of Representatives and the Secretary of the Senate when any document is ordered to be printed in their respective Houses forthwith to communicate such order to the other House.

No. 7. Notice of Rejection of Resolutions and Memorials—When any bill, joint resolution or memorial which shall have passed in one House is rejected in the other, notice of said rejection shall be given to the House which has passed the same.

No. 8. Five Days Notice and Consent of Two-Thirds Vote—When a bill, resolution or memorial which shall have been passed in one House is rejected in the other, it shall not again be introduced during the session without five day's notice and consent of two-thirds of the members voting thereon.

No. 9. Title and Number of Bills—The title of every bill shall briefly state its general object, and every bill shall be numbered by the Clerk, and the title thereof, and the name of the member or committee introducing the same shall be endorsed thereon.

No. 10. Journal to Give Title and Number of Bills—The Journal of each House shall give the title and number of each bill, joint resolution or memorial; but the second and all subsequent reference shall be complete when referred to by its number.

No. 11. Enrollment of Bills—When a bill has passed both Houses it shall be duly enrolled by the Enrolling Clerk of the House in which it originated, and the fact of its origin shall be certified by the endorsement of the Clerk thereof.

No. 12. Duties of Enrolling and Engrossing Clerks—The Enrolling and Engrossing Clerks of the two Houses, under the direction of the presiding officer of each House, respectively, when not engaged in enrolling and engrossing bills, shall assist the several select or standing committees.

No. 13. Examination of Enrolled Bills—When bills are enrolled they shall be examined by a joint committee of three from the Senate and three from the House, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

No. 14. Signing of Enrolled Bills by Presiding Officers—Each enrolled bill shall be signed first by the presiding officer of the House in which it originated, and then by the presiding officer of the other branch of the Legislative Assembly in the presence of their respective Houses while in session.

No. 15. Notice of Signing Bills to be Given by Presiding Officer—Upon the presentation of an enrolled bill by the Enrolling Committee of either House, to the presiding officer for his signature thereto, he shall arise in his place and give notice that he is about to sign the same, giving the title thereof; whereupon, if any member shall signify his desire so to do, he shall be permitted to examine the same, but no objections to the presiding officers signing the same shall be of any avail, if the same conforms to the engrossed bill as it passed both Houses.

No. 16. Bills for Governor's Approval—After the bill shall have been signed in each House, it shall be presented by the Joint Committee of Enrollment to the Governor for his approval, taking his receipt therefor, and said committee shall forthwith report to their respective Houses the day and hour of presentation, which shall be entered upon the Journal of such House.

No. 17. Memorials to Congress to be Enrolled—All memorials to Congress, or to any officer or other authority of the Government, after they shall have passed both Houses, shall be enrolled, signed by the presiding officer of the respective Houses, and shall be transmitted by the Chief Clerk of the House, in which they originated to the President of the Senate, the Speaker of the House of Representatives, or to the authority memorialized, and a copy to our Senators, and Representatives in Congress.

No. 18. Joint Resolutions and Memorials to be Filed with Secretary of State—Whenever a joint resolution or memorial shall have passed both Houses, of the Legislative Assembly, an enrolled copy thereof duly signed by the Speaker of the House of Representatives and the President of the Senate, shall be filed in the office of the Secretary of the State by the Chief Clerk of the House in which the same originated.

No. 19. Conference in Case of Disagreement Between Houses—In every case of disagreement between the Senate and the House of Representatives, if either House requests a conference and appoints a committee for that purpose, the other shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time to be agreed upon by their chairman and, having conferred freely, each shall report to their respective bodies the result of their conference.

No 20. Chairman of Joint Committees—In joint committees, standing or special, the Chairman of the Senate Committee shall be Chairman of the Joint Committee.

No. 21. Repealing of Joint Rules—No joint rules shall be repealed, amended or suspended except by a two-thirds vote in each House.

And recommend their adoption.

D. J. HENNESSY,  
Chairman Senate Committee on Rules.

J. A. WOODSON,  
Chairman House Committee on Joint Rules.

On motion of Thompson, report received and joint rules adopted.

Loud, Chairman Select Committee to draft resolutions of respect to memory of the late Aaron C. Witter, made the following report:

*Mr. Speaker:* Your Special Committee upon resolutions beg leave to report the following and recommend the adoption of the same.

LOUD,  
Chairman.

Having laid to rest in the bleak grave, for which nature furnished the winding sheet, with the companion of his life, the companion of his death, all that was mortal of our late associate, Aaron C. Witter, we, his bereaved associates of the House of Representatives, of the first and second sessions of the Legislative Assembly of the State of Montana, desire to record our deep sense of the inexpressible sadness that has come to darken with



its gloomy shadows the first moments of our satisfaction in the organization of a United House wherein the experienced skill of deceased would have proved so invaluable to our Commonwealth. We further desire that our record should testify to his children thus left motherless and fatherless at a single blow, when arrived at maturity that their father was honored and beloved by those who knew him best; his manly worth and courage; his devoted services to the State of his adoption. Till some worthier monument is erected to the memory of the lamented Witter, we ask that the tribute of our affectionate esteem be entered upon our records.

LOUD,  
Chairman.

On motion of Blakeley, the report was adopted and resolution ordered spread on Journal of House.

The following bills were introduced, previous notice having been given:

H. B. No. 11—Introduced by Beach, Chairman Committee on Ways and Means:

A bill for an act concerning compensation of County, District and Township Officers.

Read first and second times and referred to Committee on Judiciary.

H. B. No. 12—Introduced by Beach, Chairman Committee on Ways and Means:

A bill for an act fixing the compensation for the board of prisoners confined in County jails.

Read first and second times and referred to Committee on Towns, Counties and Highways.

H. B. No. 13—Introduced by Beach, Chairman Committee on Ways and Means:

A bill for an act to provide for the appointment and prescribe the duties of a State Examiner for the State of Montana.

Read first and second times and referred to Committee on State Board and officers.

H. B. No. 14—Introduced by Frank:

A bill for an act defining the powers, and prescribing the duties of additional District Judges.

Read first and second times and referred to Committee on Judiciary.

H. B. No. 16—Introduced by Carney:

A bill for an act to allow the raising of the waters of the Jefferson River for irrigation purposes.

Read first and second times and referred to Committee on Water Rights and Irrigation.

H. B. No. 16—Introduced by Harlan:

A bill for an act providing for the submission to the qualified electors of the State of an amendment to the Constitution fixing the terms of County Commissioners.

Read first and second times, referred to Committee on Judiciary.

H. B. No. 17—Introduced by Twohy:

A bill for an act entitled An Act Establishing the Offices of State Inspector of Illuminating Oils, Fixing the Mode of Appointments, the Fees for Inspection, the Salary of the State, and the Compensation of Deputies and the Penalties for Violating Any of the Provisions of this Act.

Read first and second times, referred to Committee on Incorporations and Manufactures,

On motion of Woodson, House took a recess until 2 P. M.

2 P. M.

House resumed.

Speaker pro tem in the chair.

Howey introduced the following resolution:

Moved that a special committee of four be appointed to collect and arrange all of the claims and bills of expense incurred by the two Houses of the First and Second Legislative Assemblies until they were united.

On motion of Breen the resolution was adopted, and Messrs. Howey, Blakeley, Thompson and Frank were appointed said Committee.

On motion of Thompson rules of the House were suspended, and S. J. M. No. 1 was considered engrossed, and on motion of Boardman, S. J. M. No. 1 was taken up and passed to its third reading by title, and any and all rules in conflict therewith were suspended by unanimous consent of the House.

S. J. M. No. 1 passed the house by the following vote. Title agreed to.

Aye: Boardman, Barrows, Beach, Blair, Blakeley, Breen, Burns, Clark, Carney, Crutchfield, Day, Dusseault, Eaton, Frank, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Monteith, Norton, Phillips, Penrose, Roberts, Schmidt, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing Woodson, and Speaker pro tem. Total 43.

Noes:—0

H. B. No. 18—Introduced by Blakeley:

A bill for an act to create the Ninth Judicial District, State of Montana.

Read first and second times, referred to Committee on Judiciary.

H. B. No. 19—Introduced by Day:

A bill for an act regulating State and County printing with provisions for violations of same.

Read first and second times and referred to Committee on Incorporations and Manufactures.

H. B. No. 20—Introduced by Wallace:

A bill for an act entitled An Act Prohibiting Trusts.

Read first and second times, referred to Committee on Incorporations and Manufactures.

H. B. No. 21—Introduced by Penrose:

A bill for an act to repeal section 254 of the Fourth Division of the Compiled Statutes of Montana.

Read first and second times, referred to Committee on Judiciary.

H. B. No. 22—Introduced by Penrose:

A bill for an act to repeal section 252, of the Fourth Division of the Compiled Statutes of Montana.

Read first and second times, referred to Committee on Judiciary.

H. B. No. 23—Introduced by Penrose:

A bill for an act to repeal Section 253 of the Fourth Division of the Compiled Statutes of Montana.

Read first and second times, referred to Committee on Judiciary.

H. B. No. 24—Introduced by Wallace:

A bill for an act providing for a Bureau of Labor, Agriculture and Industry, and defining the duties and powers of its commission.

Read first and second times, referred to Committee on State Boards and officers.

H. B. No. 25—Introduced by Howey:

A bill for an act to provide for a Bureau of Agriculture, Labor and Industry.

Read first and second times. Referred to Committee on State Boards and Officers.

H. B. No. 26—Introduced by Holter:

A bill for an act relating to the assessment of mortgages and other property.

Read first and second times and referred to Committee on Incorporations and Manufactures.

H. B. No. 27—Introduced by Wallace:

A bill for an act prescribing compensation and duties of Clerk of Supreme Court.

Read first and second times, referred to Committee on State Boards and Officers.

H. B. No. 28—Introduced by Dusseault:

A bill for an act concerning cruelty to animals, providing penalties against persons who neglect or cruelly treat the same.



Read first and second times, referred to Committee on Agriculture and Stockgrowing.

H. B. No. 29—Introduced by Breen:

A bill for an act creating the office of Coal Mine Inspector and defining his duties.

Read first and second times and referred to Committee on Mines and Minerals.

Whaley, Chairman Committee on State Boards and Officers made the following report:

*Mr. Speaker:* Your Committee on State Boards and Officers to whom was referred H. B. No. 10, entitled An Act to Prescribe the Duties of the State Board of Examiners, would respectfully report the same back to the House and recommend its passage with the following amendments.

Strike out in Sec. 1, line three the word "the" and insert the word "a" in lieu thereof.

Strike out in Sec. 1, line 6, the word salary and insert the word salaries in lieu thereof.

Insert in Sec. 1, line 9, the word "and" between the words law and no.

Strike out in Sec. 9, lines 8 and 9, the words "they approve it" and insert in lieu thereof the word "approved".

Strike out in Sec. 9, line 10, the word "it" and insert the word "the same" in lieu thereof.

Strike out in Sec; 13, line 7, the word "those" and insert the word "allowed" in lieu thereof, and in line 8 strike out the word "allowed."

Strike out all of Sec. 15.

Strike out the word "must" wherever it occurs in this bill and insert the word "shall" in lieu thereof.

WHALEY,  
Chairman.

On motion of Toole, report was received and adopted.

H. B. No. 10 was referred to printing Committee.

On motion of Norton, House adjourned.

CHAS. Z. POND,  
Chief Clerk

## THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES.

Helena, Montana, February 4th, 1891.

House met pursuant to adjournment at 10 A. M.

Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirtieth day read and approved.

Day presented petitions from the Typographical Unions of the State, signed by John Baker and others, President of Helena Typographical Union, No. 95, and endorsed by fifteen labor organizations of the State, asking for the passage of H. B. No. 19.

On motion of Wallace it was referred to Committee on Incorporations and Manufactures.

The following notices for the introduction of bills were given:

By Monteith:

I hereby give notice that on to-morrow or some subsequent day I will introduce a bill for an act to prevent and punish illegal voting at primary elections.

By Burns:

I will on to-morrow or some subsequent day introduce a bill for the relief of Christopher P. Connolly.

By Holter:

I hereby give notice that I will on to-morrow or some future day introduce a bill to amend Section 447 of the Fifth Division Compiled Statutes of Montana.

By Frank:

*Mr. Speaker:* I will introduce a bill regulating licenses and the collection of the same.

A bill to pay Mussigbrod and Mitchell interest on past due accounts.

A bill to pay McTague and Conley interest on past due accounts and to pay them for improvements made at the Penitentiary.

By Harlan:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill for an act entitled an act providing for an official ballot box to be used at elections in this State.

Also, a bill for an act to amend an act entitled an act for the better protection of Game and Fish.

By Hardenbrook:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill for an act to more definitely describe the boundaries of Deer Lodge and Jefferson Counties.

By Harrington:

*Mr. Speaker:* I will on to-morrow or on some future day introduce a bill providing for the recording of conveyances of real estate.

By Stebbins:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or on some subsequent day introduce a bill for an act entitled an act to prevent the sale of tobacco to certain minor children.

Also, a bill for an act entitled an act to enable the Courts of the State of Montana to procure proper seals.

Also, a bill for an act entitled an act to regulate railroad passenger fares.

By Blair:

*Mr. Speaker:* I hereby give notice that I will on to-morrow, or some future day, introduce a bill to define the mode of procedure for the owners of agricultural lands to bring water across the lands of others for irrigation and other purposes.

By Wallace:

Notice of motion to amend rule 33.

Beach, Chairman Ways and Means Committee, made the following report:

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred House Bill No. 4: an act to prescribe the number, duties and compensation of the officers and employes of each House, beg leave to report that they have carefully considered the same, and would recommend the following amendments.

Amend section 1 by inserting the word "may" in line 1, after the word "Senate."

Amend section 2 by inserting the word "may" after the word "Representative" in line 2 of said section.

Strike out section 3 and in lieu thereof add the following:

Sec. 3: All officers and employes of the Legislative Assembly, except the President of the Senate must be elected by the House to which such officers are attached.

Amend Sec. 5 by adding after the word "proceedings the following: "And shall keep an accurate account of the mileage and per diem of the members of the Senate and House of Representatives, and attaches of both bodies, and shall certify the same to the State Auditor."

Strike out Sec. 6, and in lieu thereof add the following:

Sec. 6: The assistant secretary of the Senate and the assistant Clerk of the House shall perform such duties as may be assigned them by the secretary of the Senate and the Chief Clerk of the House.

Amend Sec. 8 by striking out all after the word "authority" in lieu of said section.

Amend Sec. 10 by striking out the first three words in line 1 of said section; and by striking out the word "presiding" in line 2, and the word "officers" in line 3, and inserting in lieu thereof the words: "Sergeant-at-arms." Also add the following words to said section: "Committee Clerks shall perform such duties as may be required of them by the Committees to which they are assigned."



Strike out Sec. 11 and insert in lieu thereof the following:

Sec. 11: On receiving bills for engrossment and enrollment, it shall be the duty of the engrossing and enrolling clerks to proceed forthwith to engross and enroll the same, and the same shall be engrossed and enrolled within twenty-four hours, unless further time be granted."

Strike out Sec. 12.

Amend Sec. 13 by striking (out,) after the word "must" in the last line of said section, the words "certify to the reception of," and insert in lieu thereof the words "receipt for."

Strike out Sec. 17.

COMMITTEE ON WAYS AND MEANS,  
Beach, Chairman.

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 5, a bill for an act to provide for the management and maintenance of the State Prison, beg leave to report that they have carefully considered the same, and would offer the enclosed bill as a substitute.

COMMITTEE ON WAYS AND MEANS.  
Beach, Chairman.

On motion of Loud, reading of substitute to H. B. No. 5 was dispensed with.

On motion of Hardenbrook report was received, placed on file and H. B. No. 5, and substitute to same, was ordered printed

The following bills were introduced, previous notice having been given:

H. B. No. 30—Introduced by Beach, Chairman Committee on Ways and Means, as a substitute to House Bill No. 5.

A bill for an act to provide for the management and maintenance of the State Prison.

H. B. No. 31—Introduced by Howey:

A bill for an act entitled an act to fix the number of school trustees in cities and towns.

Read first and second times.

Referred to Committee on Education.

H. B. No. 32—Introduced by Hastie:

A bill for an act entitled an act providing for organization of irrigating districts and the sale of bonds arising therefrom.

Read first and second times.

Referred to Committee on Water Rights and Irrigation.

H. B. No. 33—Introduced by Breen.

A bill for an act entitled an act for the protecting of discharged employes and to prevent blacklisting.

Read first and second times.

Referred to Committee on Incorporations and manufactures.

H. B. No. 34—Introduced by Loud:

A bill for an act to amend an Act entitled an Act to provide for the payment of bounties for the killing of certain stock-destroying animals.

Read first and second times.

Referred to Committee on Agriculture and Stock Growing.

H. B. No. 35—Introduced by Wallace:

A bill for an act entitled an act providing when laws shall take effect.

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 36—Introduced by Wallace:

A bill for an act concerning notaries' fees.

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 37—Introduced by Wallace:

A bill for an act defining embezzlement.

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 38—Introduced by Wallace:

A bill for an act concerning executions

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 39—Introduced by Wallace:

A bill for an act to provide an Index for District Court records.

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 40—Introduced by Wallace:

A bill for an act concerning fish.

Read first and second times.

Referred to Committee on Incorporations and Manufactures.

H. B. No. 41—Introduced by Wallace:

A bill for an act regulating the payment of labor done and materials furnished to railways.

Read first and second times and referred to Committee on Railroads and Transportation.

The following message from the Senate was received:

*Mr. Speaker, House of Representatives:*

I have the honor to inform your Honorable body that the following notices of introduction of bills have been given in the Senate:

By Thornton:

A Joint resolution for the relief of A. P. Brown and others for services rendered the State of Montana.

By Hedges:

A bill for an act to provide for the publication of the Supreme Court Record.

Also, a bill for an act to protect the title to school lands.

By Gibson:

A bill for an act to enable a county to incur certain indebtedness

By Becker:

A bill for an act to create the county of Valley; to define its boundaries and provide for its organization.

Also, a bill for an act defining the powers and duties of the Board of Examiners of the State of Montana.

By Goddard:

A bill for an act to create the office of Marshal of the Supreme Court, to provide for his appointment, to define his duties and to fix his compensation.

Also, a bill for an act to provide for the advertising of bids for the furnishing of supplies and printing for State officers and members of the Legislative Assembly.

Also, a bill for an act to enable universities and colleges under the patronage of religious bodies to reorganize and change their names.

By Buford:

A bill for an act concerning obscene literature.

By Baylies:

A bill for an act to amend an act entitled, An act to provide for the payment of bounties for the killing of certain stock destroying animals, approved February 20th, 1889.

Very respectfully,

JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to advise your honorable body that the Senate has changed its place of meeting from the first floor of the Electric Light Building (first place of meeting) to the Board of Trade rooms in the Power block, and respectfully request the consent of your honorable body thereto.

Very respectfully,

JNO. J. FALLON,  
Secretary.

Monteith introduced the following resolution:

*Resolved*, That the House of Representatives of the Second Legislative Assembly of the State of Montana hereby assents to the removal of the Senate Chamber to the Power Block.

On motion of Holter resolution was adopted.

The following messages were received from his Excellency, Jos. K. Toole, Governor, State of Montana.



On motion of Toole, the messages were received, ordered spread upon the Journal of the House, and Chair instructed to apportion the different reports among the standing committees of the House.

On motion of Thompson, a committee of three were appointed to apportion the Governor's annual message among the standing committees of the House, consisting of Thompson, Woodson and Harlan.

The following are the messages from his Excellency, Jos. K. Toole, Governor, State of Montana:

Helena, Montana, January 13th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith annual report of the State Auditor for the year 1890.

JOSEPH K. TOOLE,  
Governor.

Referred to Committee on Ways and Means.

Helena, January 13th, 1891.

*To the Speaker of the House of Representatives;*

I have the honor to transmit herewith annual report of the State Treasurer for the year 1890.

JOS. K. TOOLE,  
Governor.

Referred to Committee on Ways and Means.

Helena, January 12th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith a report of all moneys paid out by this office for office expenses, together with a statement of all expenditures for other purposes, the vouchers for which have been transmitted to the President of the Senate.

JOS. K. TOOLE,  
Governor.

Referred to State Board and Officers.

Helena, January 11th 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith a copy of the first annual report of the contractors for the support of State convicts: also a copy of the contract entered into with Messrs. Conley and McTague for the maintenance of said convicts.

JOS. K. TOOLE,  
Governor.

Referred to Committee on Appropriation and Claims.

Helena, January 12th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith a copy of the report of the Board of State Medical Examiners.

JOS. K. TOOLE,  
Governor.

Referred to State Boards and Officers.

Helena, January 12th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith the annual report of the Chairman of the Montana Library, as required by law.

JOS. K. TOOLE,  
Governor.

Referred to Judiciary Committee.

Helena, January 12th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith an estimate of the amount of money required to be raised by taxation for all purposes of the State.

This estimate should be doubled to cover the expenses of the State until January, 1893, less estimate for Legislature, Code Commission and printing of Code, amounting to \$47,370.00.

JOS. K. TOOLE,  
Governor.

Referred to Committee on Ways and Means.

Helena, January 13th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith annual report of the State Boiler Inspector for the year 1890.

JOS. K. TOOLE,

Governor.

Referred to Committee on Mines and Mineral.

Helena, January 12th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit the report of Col. Chas. D. Curtis, Aide-de-Camp, National Guard of Montana, concerning the recent trouble among the Indians on the Cheyenne Indian Reservation in this State.

JOS. K. TOOLE,

Governor.

Referred to Committee on Military Affairs.

Helena, January 12th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith the annual report of Messrs. Mitchell & Mussigbrod, contractors for the care and maintenance of the insane.

JOS. K. TOOLE,

Governor.

Referred to Committee on Appropriations and Claims.

Helena, January 12th 1891.

*To the Speaker of the House of Representatives:*

I have the honor to transmit herewith the annual report of the Secretary of State, pursuant to the Constitution.

JOS. K. TOOLE,

Governor.

Referred to State Boards and Officers' Committee.

Helena, January 12th, 1891.

*To the Speaker of the House of Representatives:*

I have the honor to invite the attention of the House of Representatives to the enclosed communication from the Commissioners

of the World's Columbian Exposition. It presents in detail the advantages of such an exhibition and appeals strongly to our pride and patriotism for a creditable display of our resources.

I have heretofore referred to this subject with approval.

Jos. K. TOOLE,  
Governor.

Referred to Committee on Appropriations and Claims.

The following communication was received from the Senate:

*Mr. Speaker, House of Representatives:* I have the honor to inform your honorable body that the following bills, Concurrent Resolutions, and Memorials, have been introduced as follows:

S. B. No. 1—By Thornton:

A act to provide for the holding of regular sessions of the Supreme Court.

S. B. No. 2—By Cardwell:

An act ceding to the United States jurisdiction over certain lands.

S. C. R. No. 2—By Hedges:

For the appointment of a Commission to receive proposals for the location of public institutions.

S. M. No. 2—By Hedges:

For the removal of the mineral restriction upon schools lands, and the extension of the time of lease.

Yours Respectfully,  
JNO. J. FALLON,  
Secretary.

On motion of Blakeley, House adjourned.

CHAS. Z. POND,  
Chief Clerk.



## THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 15th, 1891.

House met pursuant to adjournment at 10 A. M.

Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty-first day read and approved.

The Chair made the following distribution of the reports of the different State officials:

Report of State Auditor referred to Committee on Ways and Means.

Report of State Treasurer referred to Committee on Ways and Means.

Report of Expenditures of Executive Office referred to Committee on Board and Officers.

Report of Conley and McTague, contractors for the State convicts, Referred to Committee on Appropriations and Claims.

Report of Board of State Medical Examiners referred to Committee of State Boards and Officers.

Report of Chairman of the Montana Library referred to Judiciary Committee.

An estimate of moneys to be raised by taxation referred to Committee on Ways and Means.

Report of State Boiler Inspector referred to Committee on Mines and Minerals.

Report of C. D. Curtis, Aide de Camp, National Guard of Montana, concerning Indian trouble on Cheyenne Reservation, Referred to Committee on Military affairs.

Report of Mitchell and Mussigbrod, contractors for the care and maintenance of the insane, referred to Committee on Appropriations and Claims.

Report of Secretary of State referred to Committee on State Boards and Officers.

Report of Commission of the World's Columbian Exposition referred to Committee on Appropriations and Claims.

Hollywood introduced a petition from Local Assembly No. 7929, Knights of Labor, asking for the passage of an eight hour bill.

On motion of Day, petition received and referred to Judiciary Committee.

The following notices of the introduction of bills were given:

By Higgins:

*Mr. Speaker:* On To-morrow or on some future day I will introduce a bill for an act entitled an act to establish the office of County Auditor and to prescribe the duties of the same.

By Boardman:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill entitled an act providing for the submission of the question of the permanent location of the seat of government.

By Blair:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill to protect certain squirrel destroying animals.

By Phillips:

*Mr. Speaker:* I hereby give notice that on to-morrow or some future day I shall introduce a bill entitled an act to amend an act relating to roads and highways.

By Carney:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill to regulate the practice of medicine.

By Thompson:

*Mr. Speaker:* I hereby give notice that on to-morrow or some subsequent day I will introduce a bill for an act to authorize married women to transact business in their own name as sole traders.

By Blakeley:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill to amend sec. 5 of an act entitled an act to provide fees and compensation for the several county officers in the counties of Montana, approved March 14th, 1889.

By Stebbins:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day introduce a bill for an act entitled an act to punish drunkenness.

By Moran:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill entitled An Act to amend Sections 1144 and 1147 of the Fifth Division of the General Laws.

By Goodman:

*Mr. Speaker;* On to-morrow or some future day I will introduce a bill for an act entitled an act to amend Section 1880 of the laws of Montana in relation to publishing notices and the qualifications of electors at school elections.

By Holter:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill providing for the permanent location of the State Capital.

By Blakeley:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill to provide for the recording of mining claims by a district recorder.

By Roberts:

*Mr. Speaker:* I hereby give notice that on to-morrow or some subsequent day I will introduce a bill to amend sections 1477, 1478, 1479, 1483, 1484, 1485 and 1486 of the 5th division of the Compiled Statutes of Montana, relating to the location and recording of mining claims.

By Beach, Chairman:

*Mr. Speaker:* Your Committee on Ways and Means will on tomorrow or some subsequent day introduce a bill for an act to provide for the care and keeping of the same (Insane).

By Howey:

*Mr. Speaker:* I give notice that on to-morrow or some future day I will introduce a bill for an act to establish a State Reform School and provide for its management.

By Toole:

*Mr. Speaker:* On to-morrow or some future day I will introduce bills making appropriations for the fiscal years ending Dec. 1st, 1891, and Dec. 1st, 1892, for the following purposes:

Salary and expenses of State Mine Inspector and Assistant:

Salary and expenses State Veterinary Surgeon.

Salary and expenses State Boiler Inspector and Assistant.

Support of insane.

Support of convicts.

Transportation and board of convicts in county jails.

Transportation and education of deaf mutes and blind children.

Montana Library and salary of Librarian.

National Guard of Montana.

State Board of Equalization,

State Board of Pardon.

State Board of Prison Commissioners.

State Board of Land Commissioners.

Insurance of Arsenal.

Public printing of all kinds, except the codes, and printing for the present Legislative Assembly.

Wallace, Chairman, Judiciary Committee, made the following report:

By Wallace, Chairman:

*Mr. Speaker:* Your Committee on Judiciary, to whom has been referred House Bill No. 16, report the same back with the following amendments: Change the date 1893 on line 24, page 1, to 1895; change the date in line 26, page 1 from 1892 to 1894, and when so amended they recommend the passage of bill.

On motion of Loud the report was received, placed on file and original bill and amendments were ordered printed on separate sheets.



Wallace, Chairman, Judiciary Committee, made the following report:

By Wallace:

*Mr. Speaker:* Your Committee on Judiciary, to whom has been referred House Bill No. 11, report the same back with the following amendments:

Amend section 5 by adding after the words "County Commissioners," at the foot of page 4, the following: Save and except county attorneys whose salary shall be payable likewise quarterly, one-half from their respective County Commissioners upon the warrant of the County Commissioners, and the other one-half from the State Treasurer upon a warrant drawn against the State treasury by the State Auditor, which last named warrant shall be drawn by the Auditor upon presentation of a certificate from the Board of County Commissioners of the respective counties naming the amount for which the same shall be drawn.

Amend section 6 by striking out all the portion of said section found on page 6, and substituting in lieu thereof the following:

Provided the whole number of assistants and deputies allowed the County Clerk and Recorder, shall not exceed three for the first class, and two each for the second and third classes, and in no instance shall the County Clerk and Recorder be entitled within the limits above named to a greater number of deputies than the reported fees of his office would compensate at the rate of salaries herein before provided for.

The whole number of assistants and deputies allowed the County Treasurer shall not exceed one for the first class, and none shall be allowed in either of the other classes.

The whole number of deputies and assistants to be allowed (exclusive of the under sheriff) any sheriff shall not exceed three for the first class, and two for each the second and third classes. The number of deputies or assistants within the maximum limits herein provided for, to be awarded to any of the county officers aforesaid, shall be determined by the Board of County Commissioners, provided that the County Commissioners of the respective counties are hereby empowered to pay a reasonable

compensation for deputies specially employed for a temporary purpose and in times of unusual emergency and great public need by the sheriffs of their respective counties upon bills for such services then certified by the sheriff disclosing the nature and kind of service rendered.

The salaries herein provided for or so much thereof as shall be allowed shall be paid by warrants drawn from the contingent funds of the respective counties in quarterly installments.

Amend section 9 by striking out from lines 14 and 15, on page 7, the following:

Upon indictment or information in the District Court of the proper county, and also by inserting for the word "dollars" in line 19, the following: "when more than \$3,000.00"

Amend section 11 by adding after word "clerk" in the last line thereof the following: "The wilful false swearing in connection with the foregoing oath shall be deemed perjury and punished as such."

Amend section 13, by inserting after the word "are" in line 26, the following: "now allowed or may hereafter be allowed by law to."

Amend section 13 by striking out all after the word "folio" in line 2 on page 10.

Amend section 15, by adding after the word "of," at the end of line 12, on page 10 the following: "eight cents per mile for railroad travel," and also by adding after the word mile in line 13 the following: "or other modes of travel."

Amend section 16, page 14, line 10, by striking out all of said line and substituting in lieu thereof the following: "for every mile actually and necessarily travelled on the railroad, eight cents; for every mile actually and necessarily travelled by other mode or conveyance, fifteen cents."

Strike out all of section 17.

Strike all of section 18, because before before provided for in section 2.

WALLACE,  
Chairman.

H. B. No. 16 was then referred to Committee on Printing.

Frank, Chairman Committee on Incorporations and Manufactures, made the following report:

*Mr. Speaker:* Your Committee to whom was referred House Bill No. 26, beg leave to report the same back, and ask that the bill be referred back to the Judiciary Committee.

FRANK,  
Chairman.

On motion of Howey, report was adopted and H. B. No. 26 referred to Judiciary Committee.

Frank, Chairman, Committee on Incorporations and Manufactures, made the following report:

*Mr. Speaker:* Your committee, to whom was referred House bill 19, recommend that the same pass with the following amendments:

Amend Sec. 2 by striking out all after the word "proposals," next to last line.

Amend Sec. 3 by striking out the words "twenty-five hundred dollars" and inserting the words "twelve hundred dollars" in lieu thereof.

Amend Sec. 4 by striking out the word "Clark" in line 7 and inserting the words "Board of Printing Commissioners" in lieu thereof; also striking out the word "Clerk" in line 12, same section, and inserting the words "Board of Printing Commissioners" in lieu thereof.

Amend Sec. 5 by striking it out entirely.

Amend Sec. 11 by striking out:

10,000 in line 2 and inserting 1,000 in lieu thereof.

10,000 in line 3 and inserting 1,000 in lieu thereof.

Or striking out in line 4, 10,000 copies of the Documentary Journals.

By striking out 10,000 in line 4, and inserting 5,000 in lieu thereof.

By striking out 10,000 in line 5, and inserting 5,000 in lieu thereof.

By striking out 10,000 in line 6, and inserting 5,000 in lieu thereof.

By striking out 10,000 in line 7, where it first appears, and inserting 5,000 in lieu thereof. And the 10,000 in line 7 where it appears the 2d time and inserting 1,000 in lieu thereof. Striking out 10,000 in line 8 where it appears first and insert 1,000 in lieu thereof. Striking out 10,000 in line 8, and insert 5,000 in lieu thereof.

By striking out 10,000 in line 9.

By striking out 10,000 in line 10.

By striking out 10,000 in line 11.

By striking out 10,000 in line 12.

By striking out line 10,000 in line 13.

By striking out 10,000 in line 14 where it first appears and inserting 5,000 in lieu thereof.

Striking out 10,000 in line 14 where it appears 2d times and insert 5,000 in lieu thereof.

Striking out 10,000, line 15, and inserting 5,000 in lieu thereof.

Striking out 10,000 where it first appears in line 16.

Striking out 10,000 in line 16 where it appears 2d time and inserting 1,000 in lieu thereof.

Striking 10,000 in line 17 and insert 1,000 in lieu thereof.

Amend Sec. 16.

By striking out the word one (1) in 5th line and inserting the word two (2) in lieu thereof. Also by striking out last line in same section.

Amend Sec. 9.

By striking out all after the word act, line 5, and inserting in lieu thereof their contract shall be forfeited and shall be re-let as provided for in section 20 of this act.

And any and all loss or damage sustained by reason of such failure to fulfill contract or violating same, shall be held as a claim against contractor or contractors so failing or violating their bonds.

FRANK,  
Chairman.



The following communication was received.

FORT BOWIE, A. T.

January 31, 1891.

*To the Speaker of the House of Representatives, Helena, Mont.:*

MY DEAR SIR: Brigadier General John Gibbon, United States Army, retires for age on the 20th of April, 1891, having served longer than any general officer on the active list, and has seen more frontier service than any of them. He was in the Florida war, commanded a corps during the Civil War and since has served almost continuously on the frontier. He was for many years Commander of the District of Montana, was severely wounded at the battle of the Big Hole with hostile Nez Perces, and was in immediate command of the Montana column that saved the wreck of the Seventh Cavalry on Custer's battlefield. Under the circumstances it would be a peculiarly appropriate measure and bestow a deserved reward for the Legislature of our new State to, by a joint resolution, memorialize Congress to pass a bill retiring General Gibbons as a Major General for long and arduous service on the frontier and for wounds received in action with hostile Indians, at the expiration of his legal term of service.

Will you act in this matter, which is outside of politics and can only reflect credit on our State and suitably reward an honest old soldier.

Very respectfully,

Your obedient,

G. C. DOANE,

Captain Second Cavalry.

H. B. No. 19 was referred to the Printing Committee.

Whaley, Chairman Committee on State Boards and Officers, made the following report:

*Mr. Speaker:* Your Committee on State Boards and Officers, to whom was referred H. B. No. 9, beg leave to report the same back to the House with the recommendation that it do pass.

WHALEY,

Chairman.

Select Committee on printing made the following report:

*Mr. Speaker:* Your Select Committee on Printing beg leave to report that the rules of this House and the cards of Standing Committees and order of business are correctly printed. Your Committee ask that it may be discharged.

BOARDMAN,  
Chairman.

On motion of Thompson, report was received and Committee discharged.

Hardenbrook, Chairman Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report House bills No. 8 and 10 as correctly printed with exception of last word in Sec. 12 of H. B. No. 10 should be "claims" instead of "claim."

HARDENBROOK,  
Chairman.

H. B. No. 8 and 10 were then placed on General Orders.

The following bills were introduced, previous notice having been given:

H. B. No. 42—Introduced by Harlan:

A bill for an act entitled an act relating to official ballot boxes.  
Read first and second times.

Referred to Committee on Privileges and Elections.

H. B. No. 43—Introduced by Harlan:

A bill for an act to amend an act entitled an act for the better protection of game and fish.

Read first and second times.

Referred to Committee on Agriculture and Stockgrowing.

H. B. No. 44—Introduced by Wallace:

A bill for an act entitled an act to provide for the taking of depositions of persons imprisoned, for the purpose of securing their testimony in criminal proceedings.

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 45—Introduced by Blair.

A bill for an act entitled an act to define the mode of procedure in relation to right of way for ditches, flumes or canals for irrigating and other purposes.

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 46—Introduced by Stebbins:

A bill for an act to regulate railroad passengers fares.

Read first and second times.

Referred to Committee on Railroad and Transportation.

H. B. No. 47, Introduced by Lochray:

A bill for an act entitled an act regulating the mining of coal in the State of Montana and for the protection of employes of coal mines.

Read first and second times.

Referred to Committee on Mines and Minerals.

On motion of Higgins, the following resolution was taken up:

*Whereas*, Under the present Constitution there seems to be some doubt existing in the minds of the State Auditor and the State Treasurer as to whether warrants should be issued to the various members of the House of Representatives of the present Legislative Assembly, therefore, be it

*Resolved*, That a committee of three be appointed to confer with the State Auditor and the State Treasurer to submit to the Supreme Court of the State of Montana an agreed statement of the facts setting forth the existing circumstances in order to get a judicial opinion as to whether or not the members are entitled to their per diem and mileage from the 5th of January, A. D. 1891, and until the consolidation of the two Houses, and the Committee are hereby authorized to employ the necessary Counsel to present their case.

From Judiciary Committee,

WALLACE,  
Chairman.

On motion of Cory, resolution was adopted and Messrs. Higgins, Cory and Frank appointed committee in compliance therewith.

On motion of Howey, House took a recess until 2 P. M.

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2 P. M.

House resumed.

Speaker pro tem Blakeley in the chair.

H. B. No. 48—Introduced by Stebbins:

A bill for an act to enable the Courts of the State of Montana to procure proper seals.

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 49—Introduced by Holter:

A bill for an act to amend Section 447 of the Fifth Division Compiled Statutes of Montana.

Read first and second times.

Referred to Committee on Incorporations and Manufactures.

H. B. No. 50—Introduced by Barrows:

A bill for an act entitled an act continuing the Code Commission and amending an act of the Sixteenth Legislative Assembly of the Territory of Montana, approved March 14th, 1889, entitled an act to provide for the appointment of a commission to codify the criminal and civil law and procedure, and to revise, compile and arrange the Statute law of Montana.

Read first and second times.

Referred to Committee on Revision and Codification.

H. B. No. 51—Introduced by Stebbins:

A bill for an act to prevent the sale of tobacco to certain minor children.

Read first and second times.

Referred to Committee on Education.

Thompson Chairman Committee to apportion Governor's annual message, made the following report:



*Mr. Speaker:* We, your Committee, on apportionment Governor's message, respectfully submit the following report:

All of that portion of message which relates to finance of the State, management of penitentiary, insane asylum, and other unfortunates supported by the State, Levy of State taxes, Fees of county officers, and Rewards, we refer to Committee on Ways and Means.

All of that portion which relates to homesteads and exemptions, Supreme Court, Clerk of Supreme Court, District Court, Code Commission, Lottery and Gift enterprises, and to promote uniformity of laws, we refer to Judiciary Committee.

All of that parts which relates to contracted indebtedness of the State and the World's Columbian Exposition, we refer to the Committee on Appropriations and claims.

All of that part which relates to the State Militia we refer to the Committee on Military Affairs.

All of that part which relates to labor, we refer to the Committee on Labor.

All of that part which relates to Agricultural college and Public school, to the Committee on Education.

All of that part which relates to the State Institutions and Public buildings we refer to Committee on Internal Improvements.

All of that part which relates to apportionment and Representatives we refer to Committee on Apportionment and Representation.

All of that part which relates to purity of ballot, constitutional amendments and canvassing, we refer to Committee on Privileges and Elections.

All of that part which relates to all State Boards and Officers, we refer to Committee on State Boards and Officers.

All of that part which relates to protection of public lands and timber from fire we refer to Committee on Agriculture and Stock-growing.

All that part which relates to Railroad Grants and Mineral Lands, Indians and Indian Reservation, Expenses of Constitu-

tional Convention, Desert Lands and Irrigation of same we refer to Committee on Federal Relations.

All of that portion which relates to public lands we refer to Committee on Public Lands.

All that part which relates to sale, rental and distribution of water rights and irrigation, we refer to Committee on Water Rights and Irrigation.

All of that part which relates to printing we refer to Printing Committee.

All of that part which relates to Corporations, we refer to the Committee on Incorporations and Manufactures.

All of the above recommendation which is respectfully submitted.

THOMPSON,  
Chairman.

On motion of Frank, report was adopted.

Committee discharged.

On motion of Boardman the Chief Clerk was instructed to notify the different standing committees that portion of the Governor's annual message that has been assigned to them.

The following messages from the Senate were received:

On motion of Beach, House resolved itself into Committee of the Whole to consider H. B. No. 8.

Committee arose.

House resumed.

Speaker pro tem Blakeley in the chair.

Frank, Chairman Committee of the Whole, reported having had under consideration H. B. No. 8, and asked for further time to make report.

Humber and Penrose were granted leave of absence for the day.

On motion of Toole House took a recess for 30 minutes.

3:50

House resumed.

Speaker pro tem Blakeley in the chair.

On motion of Toole House resolved itself into Committee of the Whole to consider H. B. No. 10.

Committee arose.

House resumed.

Speaker pro tem Blakeley in the chair.

Beach, Chairman Committee of the Whole, reported having had under consideration H. B. No. 10 and asked for further time to make report.

The following messages from the Senate were received:

*Mr. Speaker, House of Representatives:*

I have the honor to inform your Honorable body that the following notices of introduction of bills were given in the Senate:

By Hedges:

A bill to amend the Montana School Law.

Also, a bill to provide a Seal for the State of Montana.

Also, a bill to encourage the raising of sugar beet, and the manufacture of beet sugar.

By Thornton:

A bill for an act to provide for the collection, arrangement and display of the products of the State of Montana at the World's Columbian Exposition of 1893, and to make an appropriation therefor.

By Matts:

A bill for an act entitled, an act to provide for the selection, location, appraising, sale and leasing of State lands.

Very Respectfully,

JNO. J. FALLON,

Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your honorable body that the following bills and joint resolutions were introduced in the Senate:

By Hoffman:

S. B. No. 3—A bill for an act to create the office of Public Land Agent, and to define the duties thereof.

By Hedges:

S. B. No. 4—An act to provide for the publication of the Supreme Court reports.

Also, S. B. No. 5—A bill for an act for the protection of the title of school lands.

By Hoffman:

S. B. No. 6—A bill for an act for the better protection of travelers.

By Becker:

S. B. No. 7—An act to create the county of Valley and define its boundaries.

Also, S. B. No. 8—An Act entitled an act to define the duties of the State Board of Examiners.

By Gibson:

S. B. No. 9—A bill for an act to enable a county to incur certain indebtedness.

By Hennessy:

S. B. No. 10—An act to amend Sections 446, 467, 468 and 469 of Chapter XXV, 5th division General Laws of Montana, relating to corporations for industrial or productive purposes.

By Goddard:

S. B. No. 11—An act to provide for the advertising of bids for furnishing supplies for State officers and members of the Legislative Assembly.

Also, S. B. No. 12—A bill for an act requiring the immediate payment by county treasurers of the several counties into the State Treasury.

Also S. B. No. 13—A bill for an act to enable universities and colleges under patronage of religious bodies to reorganize and change their corporate name.



Also S. B. No. 14—A bill for an act to create the office of Marshal of the Supreme Court, to provide for his appointment, to define his duties and to fix his compensation.

By Thornton:

S. J. R. No. 1—For the relief of A. P. Brown et al for services rendered State of Montana.

Yours Respectfully,  
JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your Honorable body that the following bills were introduced in the Senate:

By Hedges:

S. B. No. 15—A bill for an act to provide for the Great Seal of the State of Montana, prescribing the design, designating the custodian and making appropriations for procuring the same.

By Buford:

S. B. No. 16—For an act entitled an act concerning Obscene Literature.

By Matts:

S. B. No. 17—An act to provide for the selection, location, appraisal, sale and leasing of State lands.

By Baylies:

S. B. No. 18—A bill for an act to amend an act to provide for the payment of bounties for the killing of certain stock destroying animals.

Very respectfully,  
JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your Honorable body of the following notice of introduction of a bill has been given in the Senate.

By Thornton:

A bill for an act to amend an act entitled an act concerning Savings Banks and Trust Deposits and Security Associations.

Very respectfully,  
JNO. J. FALLON,  
Secretary.

On motion of Thompson House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## THIRTY-THIRD DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 6th, 1891.

House met pursuant to adjournment at 10 A. M.

Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty-second day read and approved.

Beach, Chairman Committee of the Whole, having had under consideration House Bill No. 10, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bill No. 10, have instructed me to report the same back to the House with the following amendments, and respectfully recommend that it do pass as amended.

Yours respectfully,

E. BEACH,

Chairman Committee of the Whole.

Amend sec. 1, line 3, by striking out the word "and" before the word "no," next to the last word of line 3.

Amend sec. 2, line 8, by striking out the "Governor" and insert the word "Chairman."

Amend sec. 2, line 10, by inserting after word "elected" the word, "from their number."

Amend sec. 2, line 1, by striking out the words "first and."

Amed sec. 2, line 8, by striking out "s" in Mondays.

Amend sec. 6, line 26, by inserting the words "postpone" between the words "allow and or."

Amend sec. 6, line 25, by striking out the word clerk and insert the word secretary.

Amend sec. 10, line 43, by inserting the words "or accruing" after the word "existing."

Amend sec. 12, line 53, by inserting the word "of" between "support" and "or."

Amend sec. 19, line 82, by striking out the word "the," first occurring in line 82, and insert the word "that" in lieu thereof

Amend sec. 19, line 82, by striking out the word "they" and inserting the word "it" in lieu thereof.

Amend sec. 20, line 85, by striking out the word "they" and inserting "the Board" in lieu thereof.

Amend bill by the addition of sec. 22, as follows: "This act shall take effect and be in force from and after its approval.

Amend sec. 5, line 5, by inserting the words, "under penalties prescribed by law" between the words "witnesses" and "before."

Amend sec. 9, line 38, by striking out "their" and inserting the words "the boards" in lieu thereof.

On motion of Thompson, report was adopted.

On motion of Blakeley H. B. No. 10 was referred to Committee on Engrossment to be engrossed to third reading.

Frank, Chairman Committee of the Whole, having had under consideration House Bill No. 8, make the following report:

*Mr. Speaker:* The Committee of the Whole, having under consideration House Bill No. 8, make the following report:

That House Bill No. 8 pass with the following amendments:  
Amend, by adding to the bill, sec. 8, as follows:

Sec. 8. This act shall go into effect on and after its passage.

Amend the title by striking out the word "require" in line 1 and insert the word "requiring."

Amend the title by striking out the word "all" in first line of title and inserting the word "certain" in lieu thereof.

FRANK,  
Chairman.

On motion of Loud, report of Committee of the Whole was adopted and H. B. No. 8 was referred to Engrossment Committee; ordered engrossed for third reading.

The following notices for the introduction of bills were given:  
By Loud:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day introduce a bill for an act to amend an entitled an act concerning license. Approved Sept. 14, 1887.

By Howey:

*Mr. Speaker:* I give notice that on to-morrow or some following day I will introuce a bill for an act to prescribe the powers and duties of the State Board of Education.

By Pool:

*Mr. Speaker:* I will on to-morrow or on some future day introduce a bill for an act to repeal sec. 56 of an act entitled an act to provide the levy of taxes and assessment of property, approved Sept. 14, 1887, and to authorize County Commissioners to transfer certain county funds.

By Pool:

*Mr. Speaker:* I will on some future day introduce a bill for an act to regulate rental and leasing of school lands.

By Harlan:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill entitled a bill for an act relating to crimes against the elective franchise.

By Mitchell:

*Mr. Speaker:* I hereby give notice that on to-morrow or some subsequent day I will introduce a bill providing for the establishment of the County of Teton, and designating the officers of the same.

By Higgins:

*Mr. Speaker:* I hereby give notice that on to-morrow or some future day I shall introduce a bill for an act entitled an act to establish locate and support certain State institutions.

By Cory:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill entitled an act to legalize warrants issued by cities and towns.



By Burns:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill appropriating certain money to defray extra expenses of the Constitutional Convention of the State of Montana.

Also a bill providing for editing and revision of the debates and proceedings of the Constitutional Convention of the State of Montana for the public printer.

By Wallace:

Notice of bill for an act regulating the granting of pardons commutations and respites and remissions and prescribing the functions and duties of the Board of Pardons.

By Harrington-Carney:

*Mr. Speaker:* On to-morrow or some future day we will introduce a bill to locate the State Normal School.

The following bills were introduced, previous notice having been given:

H. B. No. 52—Introduced by Howey:

A bill for an act to establish a State Reform School and to provide for its management.

Read first and second times.

Referred to Committee on Education.

H. B. No. 53—Introduced by Loud:

A bill for an act entitled an act to create State and County canvassing Boards and to define the duties of the same.

Read first and second times.

Referred to Committee on Privileges and Elections.

H. B. No. 54—Introduced by Hardenbrook.

A bill for an act requiring railroad companies to pay for damaged to stock.

Read first and second times.

Referred to Committee on Railroads and Transportation.

H. B. No. 55—Introduced by Moran:

A bill for an act to amend sections 1144 and 1147 of the Fifth Division of the General laws.

Read first and second times.

Referred to Committee on Agriculture and Stockgrowing.

H. B. No. 56—Introduced by Thompson:

A bill for an act to authorize married women to transact business in their own names as sole traders.

Read first and second times.

Referred to Committee on Judiciary.

H. B. No. 57—Introduced by Phillips:

A bill for an act to amend Sections 1809 and 1819, Fifth Division, Compiled Statutes of Montana, relating to Roads and Highways.

Read first and second times.

Referred to Committee on Towns, Counties and Highways.

H. B. No. 58—Introduced by Committee on Appropriations:

A bill for an act to appropriate money for the Executive, Legislative and Judicial Departments for the fiscal years ending December 1st, A. D. 1891 and December 1st, A. D. 1892.

Read first and second times.

On motion of Norton referred to Printing Committee.

H. J. M. No. 1, to Congress, praying for the passage of a bill permitting the construction of a railroad by the Montana Mineral Railway Company.

Read first and second times, and on motion of Eaton, rules were suspended, H. J. M. No. 1 considered engrossed, passed to third reading and passed. Title agreed to by the following vote:

Aye: Beach, Boardman, Blair, Blake, Blakeley, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Frank, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, McElwee, Moran, Monteith, Newcomer, Phillips, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Whaley, Wing Woodson, Speaker pro tem.—Total 42.

Nays:—0

On motion of Phillips, House took a recess until 2 P. M.

2 P. M.

House resumed.

Speaker pro tem in the chair.

Pair was announced between Monteith and Penrose, until Tuesday, 10th inst.

Phillip and Blair were granted leave of absence until Tuesday, 10th inst.

H. B. No. 59—Introduced by Holter:

A bill for an act entitled an act providing for the submission of the question of the permanent location of the seat of government.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 60—Introduced by Roberts:

A bill for an act to amend Sections 1477, 1478, 1479, 1483, 1484, 1485 and 1486 of the Fifth Division, Compiled Statutes of Montana, relating to the locations and recording of mining claims.

Read first and second times.

Referred to Committee on Printing

H. B. No. 61—Introduced by Goodman:

A bill for an act entitled an act to amend Section 1880, of the school laws of Montana, in relation to publishing notices on the qualifications of electors at school elections.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 62—Introduced by Beach, Chairman Committee on Ways and Means:

A bill for an act to provide for the care and keeping of the insane.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 63—Introduced by Loud:

A bill for an act entitled an act concerning licenses. Approved September 14th, 1887.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 64—Introduced by Harrington:

A bill for an act providing for the recording of all deeds, mortgages and other instruments in writing for the conveyance or incumbrance of real estate.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 65—Introduced by Monteith:

A bill for an act to prevent illegal voting at primary elections.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 66—Introduced by Blair:

A bill for an act to protect certain squirrel and mice-destroying animals.

Read first and second times.

Referred to Committee on Printing:

H. B. No. 67—Introduced by Norton, Chairman Committee on Education, as a substitute for H. B. No. 31:

A bill for an act entitled an act to fix the number of school trustees in cities and towns.

Read first and second times, and on motion of Thompson ordered printed without original bill.

H. J. R. No. 2—Introduced by Harrington:

To pay postage.

Read first time, and on motion of Thompson resolution was laid on table.

Monteith introduced following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to procure, for the use of this House, four wall maps of the State of Montana.



On motion of Thompson, the resolution was adopted.

Monteith introduced the following resolution:

*Resolved*, That the Printing Committee be instructed to procure 250 copies of such bills as may be ordered printed by this House.

On motion of Thompson, resolution was adopted:

Norton introduced following resolution:

*Resolved*, That the Committee on Ways and Means be granted time until Monday evening, February 9th, to examine the State Prison, at Deer Lodge, for the purpose of ascertaining what improvements are necessary for the safe-keeping of the convicts contained therein.

On motion of Norton the resolution was adopted.

The following communication was received from Robt. C. Walker, Secretary of Helena Board of Trade:

*Hon. R. G. Humber:*

SIR: I am directed by the Helena Board of Trade to extend a complimentary excursion by rail to the Childs' ranch to the Senators and Members of the Second Legislative Assembly of Montana, and their ladies and clerks, on Tuesday evening next, the 10th inst.

Respectfully yours,

ROBT. C. Walker,

Secretary Helena Board of Trade.

The following messages were received from the Senate:

FEBRUARY 6, 1891.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your honorable body that the following notices of introduction of bills have been given in the Senate:

By Goddard:

A bill for an act to amend an act entitled an act concerning that portion of the Crow Indian Reservation adjacent to Yellowstone. Approved March 15th, 1885.

By Hoffman:

A bill to create the Ninth Judicial District and the appointment of a judge therefor.

Very respectfully,

JNO. J. FALLON,

Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your honorable body that the following bill was introduced in the Senate.

Very respectfully,

JNO. J. FALLON,

Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. J. M. No. 1 and S. B. No. 1 have passed in the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

*Mr. Speaker:* I hereby present to you for your signature Senate Joint resolution No. 1, the same having been signed by the President of the Senate.

BECKER,

Chairman Enrolling Committee.

The following motion of Loud was adopted:

*Mr. Speaker:* I move you that the members of this House accept the invitation of the Helena Board of Trade, and the Clerk be directed to inform Mr. Walker of the fact.

The Speaker, in the presence of the House, signed H. J. M. No. 1.

Committee on Judiciary made the following report on H. B. No. 35.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House bill No. 35, a bill for an act entitled an act prescribing when laws shall take effect, respectfully report the same back with the recommendation that it do not pass for the reason that the same is covered by a law enacted by the 16th session of the Territorial Legislature.

GOODMAN,

Temporary Chairman of Judiciary Committee.

On motion of Toole, the report was adopted and H. B. No. 35 referred to Printing Committee.

Committee on Judiciary made the following report on H. B. No. 37:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House Bill No. 37 (a bill for an act entitled an act defining embezzlement) respectfully report the same back with the following amendment: Strike out the title and substitute: "A bill for an act entitled an act amending section 92, Fourth Division of the Compiled Statutes of Montana, relating to embezzlement."

GOODMAN,

Temporary Chairman Judiciary Committee.

On motion of Crutchfield, report adopted and H. B. No. 37 referred to Printing Committee.

Frank, Chairman on Incorporations and Manufactures, made the following report on H. B. No. 40.

*Mr. Speaker:* Your Committee to whom was referred House bill No. 40 beg leave to report the same back with the recommendation that it pass with the following amendment:

Amend Sec. 2 by striking out the word "Territory" in 5th line and inserting the word "State" in lieu thereof.

FRANK,

Chairman.

On motion of Frank, report was adopted.

H. B. No. 40 was referred to Committee on Printing.

Blakeley, Chairman Committee on Towns, Counties and Highways, made the following report on H. B. No. 7:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred House bill No. 7, (an act to amend Sec. 1831 and 1836, 5th Division, Compiled Statutes of Montana, relating to Road Supervisors,) have had the same under consideration and report the same back to the House with amendments, and recommend that the bill pass as amended.

BLAKELEY,

Chairman.

Amend by striking out all after the enacting clause up to and including line nine on page one and insert as follows:

Sec. 1, amend Sec. 1831 to read as follows:

Amend by inserting before the word "section" on line 8, page two, (2) as follows:

Sec. 2, amend Sec. 1836 to read as follows:

Also make section 2, section 3.

Blakeley, Chairman Committee on towns, Counties and Highway made the following report on H. B. No. 12:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom referred House bill No. 12, (an act fixing the compensation for the Board of prisoners confined in the County jails,) report the same back to the House and recommend its passage.

BLAKELEY,  
Chairman.

On motion of Blakeley, report was adopted and referred to Printing Committee.

Frank, Chairman Committee on Incorporations and Manufactures made the following report on H. B. No. 49:

*Mr. Speaker:* Your Committee on Incorporations and Manufactures, having had under consideration H. B. No. 49, report the same back with the recommendation that it do pass.

FRANK,  
Chairman.

Frank, Chairman Committee on Incorporations and Manufactures, made the following report on H. B. No. 33:

*Mr. Speaker:* Your Committee on Incorporations and Manufactures, having had under consideration H. B. No. 33, beg leave to report the same back with the recommendation that it do pass.

FRANK,  
Chairman.

On motion of Thompson the report was adopted.

Referred to Printing Committee.

Committee on Judiciary making the following report on H. B. No. 39.



*Mr. Speaker:* Your Committee on Judiciary having had under consideration H. B. No. 39, beg leave to report the same back and recommend that it do pass.

GOODMAN,  
Temporary Chairman, Judiciary Committee.

On motion of Goodman, report was adopted.

Referred to Printing Committee.

Norton, Chairman Committee on Education, made following report on H. B. No. 31:

*Mr. Speaker:* Your Committee on Education having had under consideration H. B. No. 31, beg leave to report back the same with a substitute, with the recommendation that the substitute be printed without the original.

NORTON,  
Chairman.

On motion of Norton report was adopted, and substitute for H. B. No. 31 was referred to Printing Committee.

Hardenbrook, Chairman Committee on Printing, made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report H. B. No. 4, and the ammendment to H. B. No. 4, as correctly printed.

HARDENBROOK,  
Chairman.

House bill No. 4 was placed on general orders.

On motion of Toole, House resolved itself into Committee of the Whole to consider H. B. No. 4.

Committee arose.

House resumed.

Speaker pro tem in the chair.

Loud, Chairman Committee of the Whole, reported having had under consideration H. B. No. 4, and asked leave to sit again.

On motion of Greenough, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## THIRTY-FOURTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 7th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Journal of the thirty-third day read and approved.

The following notices of bills were given:

By Clark:

*Mr. Speaker:* I hereby give notice that on some future day I will present a bill for an act to provide for the corporation, establishment, maintenance, management and support of the Montana School of Mines.

By Holter:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a resolution for the relief of William A. Rumsey, Baliff of the Supreme Court of Montana.

By Goodman:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day introduce a bill amending Sections 790 and 808 of Fifth Division of the General Laws of Montana, relating to the sale of County bonds.

Loud, Chairman Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, to whom was referred H. B. No. 4, have instructed me to report back the same and recommend that the bill be referred to a special committee.

LOUD,  
Chairman.

McElwee, Chairman Committee on Water Rights and Irrigation, made the following report on H. B. No. 15.

*Mr. Speaker:* Your Committee to whom was referred House Bill No. 15 (an act entitled an act to allow the raising of the water of the Jefferson River for irrigation purposes) beg leave to report the same back with the recommendation that it do pass after the following amendment: Strike out in line 3, section 2, the word "creating" and insert "causing" in lieu thereof.

McELWEE,  
Chairman.

On motion of Thompson, report adopted.

H. B. No. 15 referred to Printing Committee.

Kempland, Chairman Committee on Engrossment made following report:

*Mr. Speaker:* Your Committee on Engrossment report House Bills No. 8 and 10 correctly engrossed.

KEMPLAND,  
Chairman.

Loud, Chairman Committee on Rules, made the following report.

*Mr. Speaker:* Your Committee on Rules, to whom was referred the code of rules of this House, with instructions to revise the same, beg leave to report that they have considered the same and have instructed me to report that rule 33 be amended by striking out all of rule 33 up to and including the word "House" on line 5, and inserting therefor the following:

33. Printing of House Bills: All House Bills after their second reading, unless the House otherwise direct, shall be referred to the Printing Committee and printed for the use of the members.

Respectfully submitted,  
LOUD,  
Chairman.

On motion of Toole, report adopted.

On motion of Loud, the Printing Committee were instructed to have a sufficient number of amendments printed for the use of the House.

Hardenbrook, Chairman Committee on Printing, made the following report:

*Mr. Speaker:* Your committee on Printing beg leave to report House Bill No. 9 as correctly printed.

HARDENBROOK,  
Chairman.

H. B. No. 9 was then referred to Engrossment Committee for third reading.

Norton, Chairman Committee on Education, made the following report:

*Mr. Speaker:* Your Committee on Education, to whom was referred H. B. No. 51, entitled an act to prevent the sale of tobacco to certain minor children, have had the same under consideration and beg leave to report the same back with the commendation that it do pass.

NORTON,  
Chairman.

On motion of Norton, report adopted.

H. B. No. 51 referred to Printing Committee.

The following bills were introduced, previous notice having been given:

H. B. No. 68—Introduced by Cory:

A bill for an act to legalize warrants issued by cities and towns.

Read first and second times.

Referred to Printing Committee.

H. B. No. 69—Introduced by Carney:

A bill for an act to amend an act entitled an act to regulate the practice of medicine in the State of Montana and to provide for the examination and issuing of certificates to persons desirous of practicing the same and for the punishment of persons violating the provisions of this act.

Read first and second times.

Referred to Printing Committee.



H. B. No. 70—Introduced by Burns:

A bill for an act providing for the editing and revision of the debates and proceedings of the Constitutional Convention of the State of Montana for the public printer.

Read first and second times.

Referred to Printing Committee.

H. B. No. 71—Introduced by Burns:

A bill for an act appropriating the sum of seven thousand two hundred and twenty-eight dollars and sixty-eight cents, to pay extra expenses of the Constitutional Convention of the State of Montana.

Read first time.

(On motion of Toole further action was postponed.)

H. B. No. 72—Introduced by Toole:

A bill for an act appropriating money for the support of the National Guard of Montana.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 73—Introduced by Toole:

A bill for an act appropriating money for the support of the Montana Library.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 74—Introduced by Toole:

A bill for an act appropriating money to pay the expenses of the transportation and of the care, custody and maintenance of convicts confined in county jails,

Read first and second times.

Referred to Committee on Printing.

H. B. No. 75—Introduced by Toole:

A bill for an act appropriating money to pay the salaries, office and travelling expenses of the Boiler Inspector and Assistant Boiler Inspector.

Read first and second times and

Referred to Printing Committee.

H. B. No. 76—Introduced by Toole:

A bill for an act appropriating money to pay for the care, custody and maintenance of prisoners confined in the State Prison.

Read first and second times.

Referred to Printing Committee.

H. B. No. 77—Introduced by Toole:

A bill for an act appropriating money to pay for the care, custody and maintenance of the insane.

Read first and second times.

Referred to Printing Committee.

H. B. No. 78—Introduced by Toole:

A bill for an act appropriating money to pay the salary, office and travelling expenses of the Veterinary Surgeon.

Read first and second times.

Referred to Printing Committee.

H. B. No. 79—Introduced by Toole:

A bill for an act appropriating money to pay the expenses of education and transportation of deaf mutes and blind children.

Read first and second times.

Referred to Printing Committee.

H. B. No. 80—Introduced by Toole:

A bill for an act appropriating money to pay the salaries, office and travelling expenses of the Inspector and deputy Inspector of Mines.

Read first and second times.

Referred to Committee on Printing.

The following messages were received from the Senate:

February 7th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to transmit herewith S. B. No. 2, which has passed the Senate.

Very respectfully,

JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your Honorable body that the following bills were introduced in the Senate:

By Thornton:

S. B. No. 23—A bill for an act to provide for keeping the convicts at the State Penitentiary.

By Thornton:

S. B. No. 24—A bill for an act relating to Sureties on Undertakings and Bonds.

By Committee on Stock Growing and Grazing:

S. B. No. 25—With reference to Estrays on the Public Domain

By Goddard:

S. B. No. 26—A bill for an act to make the selling or giving away of fire arms, and ammunition, or other munitions, which can be used in fire arms to any Indian, a felony, and providing a penalty therefor.

Very Respectfully,

JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your honorable body that the following notices of introduction of bills have been given in the Senate:

By Parberry:

A bill concerning the letting of contracts by the Board of County Commissioners, relating to the letting contracts for the maintenance of the poor.

Also, a bill for an act relating to the issuing of bonds by County Commissioners.

By Matts:

A bill for an act to declare the First Monday of September in each year to be a legal holiday, to be known as "Labor Day."

Also, a bill for an act to create a Railroad Commission and to prescribe the powers and duties thereof.

Very respectfully,

JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your Honorable body of the following notice of introduction of a bill was given in the Senate:  
By Cardwell:

A bill with reference to estrays on the public domain.

Very respectfully,

JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your Honorable body that the following bills were introduced in the Senate:

By Thornton:

S. B. No. 20—A bill for an act to provide for the collection, arrangement and display of the products of the State of Montana at the World's Columbian Exposition of 1893, and to make appropriations therefor.

By Hedges:

S. B. No. 21—A bill for an act to encourage the production of sugar beet and the manufacture of sugar therefrom in Montana.

By Hoffman:

S. B. No. 22—An act to create the Ninth Judicial District, State of Montana, and appointing a judge therefor.

Very respectfully,

JNO. J. FALLON,  
Secretary.

H. B. No. 8, having been correctly engrossed, was read third time and passed the House.

Title agreed to by the following vote:

Ayes—Barrows, Beach, Blake, Blakeley, Breen, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Norton, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Whaley, Wing, Woodson—Total, 44.

Noes—0.

H. B. No. 10 was then ordered enrolled.

S. B. No. 2, read first and second times.

Referred to Committee on Federal Relations.

On motion of Thompson House resolved itself into Committee of the Whole for further consideration of H. B. No. 4.

Committee arose.

• Loud, Chairman Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, to whom was referred H. B. No. 4, have instructed me to report back the same and recommend that the bill be referred to a special committee.

LOUD,  
Chairman.

On motion of Beach report was adopted, and Messrs. Beach, Eaton and Carney were appointed said committee.

On motion of Beach, House took a recess until 2 P. M.

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2 P. M.

House resumed.

Speaker pro tem in the chair.

Printing Committee introduced following request:

*Mr. Speaker:* Your Committee on Printing respectfully ask that they be allowed an additional clerk, and would name Miss Maude Murray as such clerk.

On motion of Loud request was granted.

Boardman, Chairman Committee on Railroad and Transportation made the following report:

*Mr. Speaker:* Your Committee on Railroads and Transportation have had under consideration H. B. No. 46 and report same back with amendments, and recommend same be passed amendment.

BOARDMAN,  
Chairman.



Amend sec. 1, to read as follows:

"It shall be unlawful for any railroad corporation, operating at the present time, or which may hereafter operate, a railroad in the State of Montana, to collect, charge, demand or receive for the transportation of any passenger over its line of road in this State a sum exceeding five cents per mile for actual distance travelled. Each passenger holding a full fare ticket shall be entitled to the free transportation of 150 pounds of baggage, and each passenger holding a half fare ticket shall be entitled to the free transportation of 100 pounds of baggage.

H. B. No. 46 was referred to Printing Committee.

On motion of Stebbins, House resolved itself into Committee of the Whole to consider House Bill No. 9.

Committee arose.

House resumed.

Barrows, Chairman Committee of the Whole, report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bill No. 9, have instructed me to report the same back to the House with following amendments:

Strike out section 3, and prefix to the title, words: "A bill for."

BARROWS,

Chairman Committee of the Whole.

On motion of Barrows report was adopted.

H. B. No. 9 was then referred to Engrossment Committee for third reading.

On motion of Stebbins House adjourned until Monday, the 9th inst., at 10 A. M.

CHAS. Z. POND,

Chief Clerk.

THIRTY-SIXTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 6th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Breen introduced petitions from Butte, Red Lodge and Granite, signed by four thousand, asking for the passage of an eight-hour law.

The following notices for notices for the introduction of bills were given:

By Hastie:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day introduce a bill providing for an additional Judicial District comprising the County of Cascade.

By Wallace:

Notice of introduction of bill for an act concerning elections to fill vacancies in State Legislatures.

Chairman Committee on Engrossment, reported:

*Mr. Speaker:* Your Committee on Engrossment, to whom was referred House Bill No. 9, beg leave to report the same back to the House as correctly engrossed.

POOLE,  
Temporary Chairman.

Beach, Chairman Committee on Ways and Means, made the following report:

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred that portion of the Governor's message which relates to the Auditor's and Treasurer's report, beg leave to report that they have carefully looked through the same and would report the same back with the recommendation that the said reports be sent back to the Auditor with the request that they be published as soon as possible.

BEACH,  
Chairman.

On motion of Poole, report adopted.

Wallace, Chairman Judiciary Committee, made the following report:

*Mr. Speaker;* Your Committee on Judiciary, to whom was referred House Bill No. 21 (a bill for an act to repeal Section 254 of the Fourth Division of the Compiled Statutes of the State of Montana, to-wit: of the Criminal Laws) and House Bill No. 22 (a bill for an act to repeal section 252 of the Fourth Division of the Compiled Statutes of the State of Montana, to-wit: of the Criminal Laws) and House Bill No. 23 (a bill for an act to repeal Section 253 of the Fourth Division of the Compiled Statutes of the State of Montana, to-wit: of the Criminal Laws) and the petition of the Trade and Labor Assembly accompanying, beg leave to submit with reference to each and all thereof, the following report with reference to the prayer of the petition: That a proper bill be prepared and passed. They find that each of the bills in question is properly drafted to accomplish the result desired, and that the measures proposed, if enacted, would be constitutional subjects of legislation, and they respectfully return the bills to the House with the foregoing report:

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

House bills Nos. 21, 22 and 23 referred to Printing Committee.

The following bills were introduced, previous notice having been given.

On motion of Wallace H. B. No. 35 was referred to Judiciary Committee.

H. B. No. 31—Introduced by Harlan:

A bill for an act relating to crimes against the elective franchise.

Read first and second times.

Referred to Printing Committee.

H. B. No. 82—Introduced by Loud:

A bill for an act entitled an act to protect the grasses and forests of the State from destruction by fire.

Read first and second times.

Referred to Printing Committee.

H. B. No. 83—Introduced by Poole:

A bill for an act entitled an act to authorize county commissioners to transfer certain special county funds.

Read first and second times.

Referred to Printing Committee.

H. B. No. 84, introduced by Wallace:

A bill for an act regulating granting of pardons, commutations, respites and remissions and prescribing the function and duties of the Board of Pardons.

Read first and second times.

Referred to Printing Committee.

H. B. No. 85—Introduced by Boardman, by consent of the House, previous notice not having been given.

A bill for an act entitled an act proceedings for dividing or forming new counties.

Read first and second times.

Referred to Committee on Printing.

H. J. R. No. 2—Introduced by Holter:

For the relief of William A. Rumsey, Bailiff of the Supreme Court of the State of Montana.

Read first and second times.

On motion of Harlan further action postponed.

H. B. No. 9, having been correctly engrossed was read the third time and passed the House by the following Aye and Noe vote:

Barrows, Beach, Boardman, Blake, Breen, Burns Carney, Cory, Crutchfield, Day, Eaton, Goodman, Hardenbrook, Harlan, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteith, Newcomer, Poole, Roberts, Twohy, Thompson, Waite, Wing Woodson and Humber.—Total 37.

Noes, Wallace, 1.

Senate bill No. 2 was read first and second times.

Referred to Committee on Federal Relations.

Printing Committee. made following report:

*Mr. Speaker:* Your Committee on Printing report House bill No. 16 correctly printed.

HARDENBROOK,  
Chairman.

H. B. No. 16 was placed on general orders.

On motion of Monteith House took a recess until 2 P. M.

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2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Beach, Chairman special Committee, made following report:

*Mr. Speaker:* Your special Committee, to whom was referred House bill No. 4, beg to state that they have had the same under consideration and offer the following report:

We recommend the adoption of the Ways and Means Committee amendment.

Amend section 2 of the printed bill by striking out the words "two pages and four committee clerks" and insert the following: "And as many committee clerks and pages (not exceeding six of each) as the House from time to time may require.



Amend section 1, line 3, by inserting after word "janitor," the words: "one day watchman."

Amend section 2, line 7, by inserting after the word "janitor," the words, "one day watchman."

Amend section 16, lines 70 and 71, by striking out the word "watchman" and insert in lieu thereof the word "watchmen."

Amend section 16, line 70, by adding the word "day" after word janitor wherever it occurs.

Amend section 10 by inserting after the words "door keeper" the words "day watchman."

Amend title by inserting the word "members" between the word "officers" and "and."

BEACH,  
Chairman.

On motion of Howey report adopted.

On motion of Boardman, House resolved itself into Committee of the Whole for further consideration of H. B. No. 4.

Committee arose.

House resumed.

Barrows, Chairman Committee of the whole, reported having had under consideration H. B. No. 4 and asked for further time to make report.

Day, Chairman Enrollment Committee made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report House Joint Memorial No. 1, correctly enrolled.

A. M. DAY,  
Chairman.

The following messages were received from the Senate:

*Mr. Speaker, House of Representatives:*

I have the honor to inform your honorable body that the following bills have been introduced in the Senate:

By Parberry:

S. B. No. 29—An act to amend section 790 of the Fifth Division of the compiled statutes of Montana, relating to the issuance and sale of county bonds.

By Hedges:

S. B. No. 28—A bill for an act to amend the Montana School Laws.

By Matts:

H. B. No. 29—An act to declare the first Monday of September in each year to be a legal holiday, to be known as labor day.

Very Respectfully,

JON. J. FALLON,

Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your honorable body that the following notice of an introduction of bill has been given in the Senate:

By Thompson:

A bill for the better protection of dealers and consumers of kerosene oil within the State.

Very respectfully,

JNO. J. FALLON,

Secretary.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your honorable body that the following notice of an introduction of bill have been given in the Senate:

By Thompson:

A bill for the better protection of dealers and consumers of kerosene oil within the State.

Very respectfully,

JNO. J. FALLON,

Secretary.

*Mr. Speaker, House of Representatives;*

I am directed by the Senate to inform your honorable body that H. B. No. 10 has passed the Senate and is herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

H. B. No. 10 was referred to Enrollment Committee and

ordered enrolled.

The Chair informed the House that he was about to sign H. J. M. No. 1, and signed the same in the presence of the House.

On motion of Harlan, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## THIRTY-SEVENTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 10th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty-sixth day read and approved.

The following notices for the introduction of bills were given:

By Howey:

*Mr. Speaker:* I hereby give notice that on to-morrow or some future day I will introduce a bill for an act appropriating money to pay the salaries of members and officers of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana.

By Harlan:

*Mr. Speaker:* I give notice that I will on to-morrow or some future day introduce a bill to protect the timber of the school Lands of the State.

By Goodman:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill to amend sections 1813, 1815 and 1817 of the Fifth Division of the Compiled Statutes of Montana, relating to roads and highways.

By Boardman:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some following day introduce a bill entitled an act providing

for the listing and taxation of property belonging to telegraph companies.

By Boardman:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some following day introduce a bill entitled an act providing for the proper listing and taxation of property belonging to telephone companies.

By Boardman:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some following day introduce a bill entitled an act providing for the manner of listing and valuing for taxation the property of railroads in this State.

By Thompson:

I hereby give notice that I will on to-morrow or some future day introduce a bill relating to Building, Loan and Saving Associations.

By Penrose:

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill for an act to regulate railroad fares in the State of Montana.

Also a bill to prohibit railroad companies from giving free transportation to members of the newspaper press of the State.

Barrows, Chairman Committee of the Whole, made the following report. H. B. No. 4:

*Mr. Speaker:* Your Committee of the Whole House, having had under consideration House bill No. 4, have amended the same so that it reads as follows:

H. B. No. 4—Introduced by Toole:

A bill to prescribe the number and duties of the officers and employes of each House and to fix the compensation of the members, officers and employes of the same.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1. The officers and employes of the Senate may consist of a president, president pro tem, one secretary one assistant secretary, one sergeant at arms, one assistant sergeant at arms, one door-keeper, one enrolling clerk, one engrossing clerk, one



janitor, one day watchman, one night watchman, one chaplain, and four committee clerks.

Sec. 2. The officers and employes of the House of Representatives may consist of a speaker, speaker pro tem, one clerk, one assistant clerk, one sergeant at arms, one assistant sergeant at arms, one door keeper, one enrolling clerk, one engrossing clerk, one janitor, one day watchman, one night watchman, one chaplain, and as many committee clerks and pages, (not exceeding six of each) as the House from time to time may require.

Sec. 3. All officers and employes of the Legislative Assembly, except the President of the Senate, must be elected by the House to which such officers and employes are attached.

Sec. 4. The president and president pro tem of the Senate and the speaker and the speaker pro tem of the House of Representatives may administer the oath of office to any Senator or Representative and to the officers of their bodies. The members of any committee may administer oaths to witnesses in any matter under examination.

Sec. 5. The secretary of the Senate and the clerk of the House of Representatives must attend each day, call the roll, prepare the Journal and bills and superintend all copying necessary to be done for their respective Houses, and keep a correct record of the proceedings, and shall keep an accurate account of the mileage and per diem of the members of the Senate and House of Representatives, and attaches of their respective bodies and shall certify the same to the State auditor and perform such other duties as the Senate and House respectfully may from time to time request of them.

Sec. 6. The assistant secretary of the Senate and the assistant clerk of the House shall perform such duties as may be assigned them by the secretary of the Senate and clerk of the House.

Sec. 7. The Journal of the Senate must be authenticated by the signature of the President, and the Journal of the House of Representatives by the signature of the Speaker.

Sec. 8. The sergeant at arms of the Senate and the sergeant at arms of the House of Representatives must give a general

supervision under the direction of their presiding officers to the Senate and House Chambers, with the rooms attached; attend during the sittings of their respective bodies, execute their commands and all process issued by their authority.

Sec. 9. The assistant sergeant at arms in each House shall perform such duties as may be required by the presiding officers or the sergeant at arms.

Sec. 10. The doorkeeper, janitor, day watchman, night watchman and pages shall perform such duties as shall be assigned to them by the sergeant at arms of the respective House. Committee clerks shall perform such duties as may be required of them by the Committees to which they are assigned.

Sec. 11. It shall be the duty of the engrossing and enrolling clerks on receiving bills for engrossment or enrollment to engross and enroll the same under such rules as may be prescribed by their respective bodies.

Sec. 12. The Secretary of the Senate and Clerk of the House of Representatives, at the close of each session of the Legislature, must mark, label and arrange all bills and papers belonging to the archives of their respective Houses, and deliver them, together with all the books of both Houses, to the Secretary of the State, who must receipt for the same.

Sec. 13. Members of the Legislature shall receive eight dollars per day, payable weekly during the session of the Legislative assembly, and twenty cents per mile for each mile necessarily travelled to and from their residences and the place of holding the session.

Sec. 14. The Speaker of the House shall receive the sum of ten dollars per diem during the session of legislature, and this official compensation of said officer shall be in lieu of his per diem as a member.

Sec. 15. The secretary of the Senate and the chief clerk of the House shall be paid each ten dollars per day. The assistant secretary of the Senate and assistant clerk of the House shall be paid each eight dollars per day. The sergeant-at-arms of the Senate and sergeant-at-arms of the House shall be paid each eight dollars per day. The assistant sergeant-at-arms of

the Senate and the assistant sergeant-at-arms of the House shall be paid each six dollars per day. The doorkeeper of the Senate and the doorkeeper of the House shall be paid each five dollars.

The janitor, day and night watchmen of the Senate, and the janitor, day and night watchmen of the House, shall be paid each five dollars per day. The engrossing and enrolling clerks of the Senate and the engrossing and enrolling clerks of the House shall be paid each six dollars per day. The chaplain and pages of the Senate and the chaplain and pages of the House shall be paid each four dollars per day. The committee clerks of the Senate and Committee clerks of the House shall be paid each five dollars per day.

And as so amended they recommend that it do pass.

BARROWS,

Chairman.

On motion of Goodman report was adopted, and H. B. No. 4, with amendments, was referred to Engrossment Committee.

McElwee, Chairman Committee on Water Rights and Irrigation, made following report: Your Committee on Water Rights and Irrigation, to whom was referred H. B. No. 32 (a bill for an act entitled an act providing for the organization of irrigating districts and the sale of bonds arising therefrom), would report the same back and ask that it be referred to the Printing Committee.

McELWEE,

Chairman.

H. B. No. 32 referred to Printing Committee.

Judiciary Committee made the following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House bill N. 44, (a bill for an act entitled an act to provide for the taking depositions of persons imprisoned for the purpose of securing their testimony in criminal proceedings,) respectfully report the same to your honorable body with following amendments:

Amend section 2, line 3, by striking out the words "or official."

Amend section 2, lines 4 and 5, by striking out the words, "the

magistrate or court under whose process he is held in arrest," and substitute in lieu thereof, "the nearest magistrate."

Amend section 2, by striking out of line 7, "Court" and substitute in lieu thereof the word "said."

Amend section 2 by changing the first "or" in line 11 to "and" and adding after the word "counsel," "if any he then have, and if he have none then upon the accused alone." Strike out all between the last "or" on line 11 and the word "and" of the second line, second page of bill, and substitute in lieu thereof the following: "or in the event the accused, having no counsel, be either out on bail or cannot be found, then service of said notice may be made upon the magistrate by whom the accused was committed, which latter service when made in accordance with the provisions of this act shall constitute a reasonable notice to the said accused."

In line 3, page 2 of bill, strike out the second "the" and insert in lieu thereof the word "A."

Amend section 3 by striking out all after the words "certified to" in line 6, down to the word "and" in line 8, and substitute in lieu thereof the following: "Shall be sealed in an envelop and returned by the officer taking the same, to the court or magistrate before whom the case or cases against said accused may then be pending,

And as amended they recommend the same do pass.

WM. WALLACE, JR.

Chairman of Judiciary Committee.

H. B. No. 44, referred to Printing Committee.

Committee on Federal Relations made the following report:

*Mr. Speaker:* We, your Committee on Federal Relations, having had under consideration S. B. No. 2, (a bill for an act ceding to United States jurisdiction over certain lands,) report the same back with recommendation it do pass.

WHALEY,

Chairman.

Senate bill No. 2 placed on general orders.

Judiciary Committee made following reports:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House bill No. 36, (a bill for an act concerning notaries fees,) report the same back to your honorable body with the recommendation that the same do pass.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

*Mr. Speaker:* Your Committee on Judiciary to whom was referred House bill No. 38, (a bill for an act entitled an act concerning executions,) report the same back to your honorable body and recommend the same do pass.

WM. WALLACE, JR.,  
Chairman, of Judiciary Committee.

*Mr. Speaker:* Your Committee on Judiciary to whom was referred House bill No. 14, (an act entitled an act defining the powers and prescribing the duties of additional district judges,) respectfully report the same back to the House with a substitute and recommend that the substitute by them presented be adopted.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

H. bills Nos. 36, 38 and 14, and substitute for 14 referred to Printing Committee.

Printing Committee made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report the following bills as correctly printed, House bills Nos. 67, 72, 78.

HARDENBROOK.  
Chairman.

H. B. No. 67 placed on general orders.

H. B. No. 72 was referred to Committee on Military Affairs:

H. B. No. 78 was referred to Committee on Agriculture and Stock growing.

Judiciary Committee made following reports:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House Bill No. 48, (a bill for an act entitled an act to enable Courts of the State of Montana to procure proper seals,)



respectfully report the same to your honorable body with the following amendments, to wit:

Strike out all of section 4, and as amended, recommend the same do pass.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House bill No. 2, (a bill for an act, entitled an act relating to information in criminal cases,) respectfully return the same to your honorable body with a substitute and recommend that the substitute by them presented be adopted and passed.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

House bills Nos. 48 and 2 were referred to Printing Committee.

Committee on State Boards and Officers made the following report:

*Mr. Speaker:* Your Committee on State Boards and Officers to whom was referred the following reports: expenses of Executive Office, Secretary of the State and Medical Board, would respectfully report the same back to the House with the information that we have examined them and found the same correct and in accordance with law. As to that part of Secretary of State's report relating to salary of clerk in the office of Secretary of State, we would recommend an appropriation of \$3,767.00 to cover said salary until December 30, 1892.

WHALEY,  
Chairman.

On motion of Harrington, report adopted and referred to Committee on Appropriations and Claims.

The following bills were introduced, previous notice having been given:

H. B. No. 86—Introduced by Clark:

A bill for an act to provide for the incorporation, establishment, maintenance, management and support of the Montana School of Mines.

Read first and second times.

Referred to Printing Committee.

H. B. No. 87—Introduced by Mitchell:

A bill for an act to create the County of Teton, to define its boundaries and provide for its organization and the election of officers thereof.

Read first and second times.

Referred to Committee on Printing.

House Joint Memorial No. 2—Introduced by Hastie:

Read first and second times.

On motion of Monteith rules suspended.

Read third time and passed by the following vote, aye and noe vote:

Title agreed to:

Ayes—Barrows, Blair, Blake, Blakeley, Carney, Clark, Cory, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteith, Newcomer, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Twohy, Thompson, Waite, Whaley, Wing, Woodson, and Speaker pro tem Humber—Total, 44.

Noes—0.

On motion of Harlan, House resolved itself into Committee of the Whole for consideration of general orders.

Committee arose.

House resumed.

Goodman, Chairman Committee of Whole, reported having had under consideration H. B. No. 16 and asked for further time to report.

On motion of Goodman, House took a recess until 2 P. M.

2 P. M.

House resumed.

Speaker pro tem in the chair.

The following communication was received from Mr. Jno. Maguire:

*To the Hon. R. G. Humber, Speaker of the House of Representatives:*

HONORABLE SIR: Yourself and the Hon. Members of the Legislature are most cordially invited to attend the performance of Romeo and Juliet to-morrow, Wednesday evening, at Ming's Opera House, by Miss Adelaide Moore, Mr. Joseph Wheelock and Company.

Seats are reserved for your honorable house, and your presence will confer an esteemed distinction on Miss Moore, Mr. Wheelock and the company, as well as on

Yours most respectfully,

JNO. MAGUIRE.

On motion of Howey the invitation extended by Mr. Jno. Maguire was accepted and a vote of thanks extended to Mr. Maguire for his kindness.

Chief clerk instructed to notify Mr. Jno. Maguire of the action of the House.

Goodman, Chairman Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 16, beg leave to report the same back and recommend that the printed bill do pass with following amendments:

Amend sec. 1, line 5, by industry between the words "elected and October," the words to succeed those elected.

Title agreed to.

E. H. GOODMAN,  
Chairman.

On motion of Harlan, report adopted.

H. B. No. 16 referred to Committee on Engrossment.

Frank, Chairman Committee on Incorporation and Manufactures, made the following report:

*Mr. Speaker:* Your Committee to whom was referred H. B. No. 17, A bill for an act establishing the office of State Inspector of Illuminating Oils, fixing the mode of appointment, the fees for inspection, salary of State Inspector, and compensation of Deputies and penalties for violating any of the provisions of this act, report the same back to the House with amendments, and, as amended, recommend it do pass.

On motion of Frank, report adopted and H. B. No. 17, with amendments, were referred to Printing Committee to be printed separately.

On motion of Howey, House resolved itself into Committee of the Whole for the consideration of general orders.

Committee arose.

House resumed.

Goodman, chairman Committee of the Whole, reported having had under consideration Senate Bill No. 2, and House substitute bill No. 67, and asked for further time to make report.

Beach introduced H. C. Resolution No. 4, demanding all county clerks to report to the Second Legislative Assembly the fees and emoluments received by the county officers of their respective counties.

Read first and second times, and on motion of Monteith, rules suspended, read third time and passed. Title agreed to by the following Aye and Noe vote:

Aye:—Beach, Blakeley, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Holter, Horsky, Howey, Hughes, Kempland, Lockray, Loud, McElwee, Norton, Phillips, Penrose, Roberts, Schmidt, Toole, Twohy, Thompson, Waite, Wallace, Wing, Woodson, and Speaker pro tem Humber. Total 38.

Noes:—0.

Wallace, Chairman Judiciary Committee, made the following report:

*Mr. Speaker:* The Judiciary, to whom was referred the report of the Board of Directors of the Montana Library, would beg leave to report that they have had same under consideration and would recommend that the appropriation therein requested be granted, namely: the sum of \$360.00 to pay for insurance, and \$1,000.00 per annum for the purchase of books.

WM. WALLACE,  
Chairman Judiciary Committee.

On motion of Wallace, report was adopted.

The following bills were introduced by unanimous consent, previous notice not having been given:

H. B. No. 88—Introduced by Thompson.

A bill for an act appropriating money for the benefit of the Montana Law Library.

Read first and second times.

Referred to Printing Committee.

H. B. No. 90—Introduced by Howey.

A bill for an act appropriating money to pay the salaries of officers and members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana, and the mileage of said members at said session.

Read first and second times.

Referred to Printing Committee.

H. B. No. 90—Introduced by Wallace, Jr.:

A bill for an act entitled an act to fill vacancies occurring in the Legislative Assembly.

Read first and second times.

Referred to Printing Committee.

On motion of Beach, House adjourned.

CHAS. Z. POND,  
Chief Clerk.



## THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 11th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty-seventh day read and approved.

The following notices for the introduction of bills were given:

By Stebbins:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or on some future day introduce a bill for an act entitled an act to establish and locate a State Normal School.

By Blair:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill to provide for the re-recording of marks and brands.

By Frank:

Helena, Montana, February 10th, 1891.

*Mr. Speaker:* I will introduce a bill for the protection of keepers of hotels, inns, boarding and eating houses.

By Penrose:

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill for an act to amend an act entitled an act to regulate the practice of medicine in the Territory of Montana and to provide for the examination and the issuing of certificates to

persons desirous of practicing the same, and for the punishment of persons violating the provisions of this act.

By Penrose:

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill for an act to provide for the establishment and incorporation of the Montana Medical College.

The Committee on State Boards and Officers made following report:

*Mr. Speaker:* The majority of your Committee on State Boards and Officers, to whom was referred House Bill No. 13 (an act to provide for the appointment and to prescribe the duties of a State Examiner for the State of Montana), beg leave to report the same back to the House with the following amendments, and recommend that it do pass as amended:

Strike out in section 2, line 2, the word four and insert the word two in lieu thereof.

Strike out all of section 17 and substitute the following in lieu thereof:

Sec. 17. The State Examiner may appoint by and with the consent of the State Board of Examiners, one deputy State Examiner and one accountant.

Strike out in section 18, lines 2 and 3, the words "thirty-six hundred dollars," and insert the words "three thousand dollars" in lieu thereof.

WHALEY,  
BLAKE,  
G. E. POOL,  
FRANK HOLLYWOOD,  
P. CARNEY.

*Mr. Speaker:* We, the minority of your Committee on State Boards and Officers, to whom was referred House Bill No. 13, entitled an act to provide for the appointment and prescribing the duties of the State Examiner, beg leave to submit the following report:

We have carefully examined into the merits of the bill, with

regard to the benefits to be derived and the expenses incurred by the passage, and find substantially as follows:

The office, if created, will incur an expense to the State, as near as we have been able to ascertain, in the sum of \$15,000.00 per annum, composed of the following items, to-wit:

Salary of Examiner.....	\$ 3,000 00
Traveling and office expenses, estimated.....	2,000 00
Salary of Assistant Examiner.....	1,800 00
Salary of Accountant, estimated.....	1,800 00
Printing of reports, etc.....	6,400 00
Total.....	\$15,000 00

Failing to discover wherein a corresponding benefit, commensurate with the expense, would be obtained, and realizing the necessity of economic legislation, in order that our already high rates of taxation may not be increased, we would respectfully recommend that the bill do not pass.

[Signed.]

H. M. MORAN,  
M. NEWCOMER.

On motion of Howey, reports received and House Bill No. 13 referred to Printing Committee.

Hardenbrook, Chairman of Printing Committee, made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following House Bills: 62, 77, 79 and 80, also House Rule 33 as amended.

HARDENBROOK,  
Chairman.

House Bills Nos. 62, 77, 79 and 80 referred to Committee on Appropriations and Claims.

Committee on Codification and Revision made following report:

*Mr. Speaker:* Your Committee on Revision and Codification, to whom was referred H. B. No. 50, (a bill for an act entitled an act continuing the Code Commission and amending an act of the Sixteenth Legislative Assembly of the Territory of Mon-

tana, approved March 14th, 1889, entitled an act to provide for the appointment of a commission to codify the criminal and civil law and procedure, and to revise, compile and arrange the statute law of Montana,) beg leave to report that they have considered the same, and with the amendments herewith transmitted recommend that it do pass as so amended.

GOODMAN,  
Chairman.

Amendments to House bill No. 50, recommended by Committee on Revision and Codification.

Amend section 5, fourth line, by striking out the words, "therafter as possible" and inserting in lieu thereof the words "as completed."

Amend section 5, sixth and seventh lines, by striking out the words "in cheap style."

Amend section 6, by adding thereto, after the words "each volume," in the last line, the words "and fifty copies to the State Library for distribution by the State Librarian."

Strike out Section 9.

Amend the title by striking out all after the words: "code commission" in line two, and insert in lieu thereof, the following: "and extending the time for the completion of the code to the first Monday of January, 1892."

H. B. No. 50 was referred to Printing Committee.

Kempland, Chairman on Engrossment, made following report:

*Mr. Speaker;* Your Committee on Engrossment beg leave to report H. B. No. 4, properly engrossed.

KEMPLAND,  
Chairman.

Day Chairman Committee on Enrollment made following report:

February 11th, 1891.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 10, correctly enrolled.

A. M. DAY,  
Chairman.

Committee on Labor made following reports on House bill No 6:

*Mr. Speaker:* We, the majority of your Committee on Labor have had under consideration House bill No. 6, and report the same back with the recommendation that it do pass. •

PETER BREEN,  
W. H. ROBERTS.  
CHAS. LOCHRAY.  
W. C. WHALEY

*Mr. Speaker:* We, the minority of your Committee on Labor, have had under consideration House bill No. 6, and report the same back without recommendation.

J. R. TOOLE.  
A. M. DUSSEAULE.  
J. W. BLAIR.

Woodson moved to lay reports on table.

Lost by following aye and noe vote:

Ayes—Blair, Blake, Blakeley, Clark, Cory, Dusseault, Greenough, Hardenbrook, Harlan, Holter, Hughes, Kempland, McElwee, Mitchell, Newcomer, Toole, Twohy, Waite, Woodson, —Total, 19.

Noes—Barrows, Breen, Burns, Crutchfield, Day, Eaton, Frank, Goodman, Harrington, Hastie, Higgins, Hoffman, Hollywood, Horsky, Howey, Lochray, Loud, Moran, Monteith, Norton, Phillips, Penrose, Poole, Roberts, Stebbins, Thompson, Whaley, Wing.—Total 28.

On motion of Thompson, H. B. No. 6, was referred to Print-Committee.

Goodman, Chairman Committee of Whole, made following report:

Helena, Montana, February 9th, 1891.

*Mr. Speaker:* Your Committee of the Whole having had under consideration S. B. No. 2, and H. B. No. 67, beg leave to report the same back with the recommendation that Senate bill No. 2 be passed as read and that H. B. No. 67, be amended as follows:



Amend Sec. 3, line 4, printed bill, by inserting after the word "Trustees" the following: "in such districts as provided for by section 1."

Amend section 2, line 7, by inserting between the words: "year and three," printed bill, the words: "after such first elections."

GOODMAN,  
Chairman.

On motion of Howey, report adopted.

Chair informed the House that he was about to sign H. B. No. 10, and in presence of the House signed the same.

The following bills were introduced, previous notice having been given.

By Hardenbrook—H. B. No. 10:

A bill for an act to amend section 731, chapter 38, of the Fifth Division of the Compiled Statutes of Montana, defining the boundaries of Deer Lodge County and to render the same definite.

Read first and second times and

Referred to Printing Committee.

By Higgins—H. B. No. 92:

A bill for an act entitled an act to establish, locate and support certain State institutions.

Read first and second times.

Referred to Committee on Printing.

By Blakeley—H. B. No. 93:

A bill for an act to repeal section 5 of an act entitled an act to provide fees and compensation for the several county officers in the counties of Montana

Read first and second times.

Referred to Printing Committee.

By Penrose—H. B. No. 94:

A bill for an act entitled an act to regulate railroad fares in the State of Montana.

Read first and second times.

Referred to Printing Committee.

Br Harlan—H. B. No. 95—Introduced by unanimous consent of the House, previous notice not having been given:

A bill for an act relating to the clerks of Boards of County Commissioners in issuing notices of elections.

Read first and second times.

Referred to Printing Committee.

The following communications were received from the Senate:

SENATE CHAMBER,

Helena, Montana, February 11th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to advise your honorable body that, as amended, H. B. No. 8 has passed the Senate and is herewith transmitted.

Yours truly,

JON. J. FALLON,

Secretary.

On motion of Thompson, House concurred in the amendments of the Senate to H. B. No. 8.

H. B. No. 8, with Senate amendments thereto, was referred to Committee on Engrossment.

H. B. No. 4 was read third time and lost by following aye and noe vote:

Ayes—Breen, Cory, Day, Eaton, Harlan, Harrington, Hastie, Hoffman, Hollywood, Horsky, Lochray, Monteith, Newcomer, Poole, Roberts, Stebbins, Twohy, Thompson, Whaley, Wing. Total—20.

Noes—Barrows, Blair, Blake, Blakeley, Burns, Carney, Clark, Dusseault, Goodman, Greenough, Hardenbrook, Holter, Howey, Hughes, Kempland, Loud, McElwee, Mitchell, Moran, Norton, Schmidt, Toole. Total—22.

Boardman and Woodson paired; Humber excused.

On motion of Greenough, House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

On motion of Carney, House reconsidered vote on H. B. No. 4.

On motion of Toole, H. B. No. 4 was referred to a select committee, consisting of Messrs. Blakeley, Thompson and Penrose, with instructions to amend section 14, line 59, of printed bill, by striking out the word "eight" and inserting in lieu thereof the word "six" and report bill back with no other changes.

Goodman moved to amend by further instructing the committee to report in favor of changing the word "eight" in line 67 of the printed bill; be changed to "six."

Wallace moved to amend that Committee be instructed to report forthwith.

Motion, with amendments, carried.

Blakeley, Chairman special committee, to whom was referred H. B. No. 4, made following report:

*Mr. Speaker:* We, your special committee, to whom was referred H. B. No. 4, an act to prescribe the number, duties and compensation of the officers and employes of each House, beg leave to report, as directed, the following amendments:

Change the word "eight" in sec. 14, line 59, of printed bill, to "six."

BLAKLEY,  
Chairman.

Strike out, in sec. 16, line 67, printed bill, the word "eight" and insert in lieu thereof the word "six."

Wallace moved that report be taken up and amendments considered separately.

Goodman amended that report be considered entire.

On motion of Barrows, previous question was ordered.

Goodman's amendment lost.

Wallace's motion carried.

Barrows moved that amendment to section 14, line 59, be adopted.

Thompson called for ayes and noes.

Amendment No. 1 was carried by the following vote:

Ayes:—Barrows, Blair, Blakeley, Burns, Carney, Clark, Cory, Dusseault, Frank, Greenough, Hardenbrook, Harlan, Harrington, Higgins, Holter, Horsky, Howey, Hughes, Kemp-land, McElwee, Mitchell, Phillips, Roberts, Schmidt, Toole, Twohy, Thompson, Wallace, Wing.—Total, 29.

Noes:—Blake, Breen, Crutchfield, Day, Eaton, Goodman, Hastie, Hoffman, Hollywood, Lochray, Loud, Moran, Monteith, Newcomer, Penrose, Poole, Stebbins, Waite, Whaley. Total, 19.

Goodman moved that amendment to section 16, line 67, be adopted.

Loud called for ayes and noes.

Amendment No. 2 was lost by following vote:

Ayes:—Blair, Eaton, Goodman, Greenough, Harlan, Harrington, Hastie, Hoffman, Holter, Horsky, Lochray, Loud, Moran, Monteith, Newcomer, Phillips, Penrose, Poole, Roberts, Stebbins, Thompson, Whaley, Wing.—Total 23.

Noes—Barrows, Blake, Blakeley, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Hardenbrook, Higgins, Hollywood, Howey, Hughes, Kempland, McElwee, Mitchell, Schmidt, Toole, Twohy, Waite, Wallace, and Speaker pro tem Humber.—Total 26.

On motion of Barrows, seconded by five members of the House, the previous question was ordered.

Loud called for aye and no vote, with following result:

Ayes:—Barrows, Blair, Blake, Burns, Carney, Clark, Cory, Crutchfield, Dusseault, Frank, Greenough, Hardenbrook, Higgins, Holter, Horsky, Howey, Hughes, Kempland, Loud, McElwee, Mitchell, Moran, Schmidt, Toole, Twohy, Wallace, Whaley.—Total 27.

Noes—Blakeley, Breen, Day, Eaton, Goodman, Harlan, Harrington, Hastie, Hoffman, Hollywood, Lochray, Monteith, New-comer, Phillips, Poole, Roberts, Penrose, Stebbins, Thompson, Waite, Wing and Speaker pro tem Humber.—Total 22.

On motion of Barrows, bill was ordered engrossed.

Senate bill No. 2, was read third time and passed by following vote:

Ayes—Blakeley, Breen, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Phillips, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Wallace, Whaley, Wing, Woodson and Speaker pro tem Humber.—Total 42.

Noes—None.

Blakeley offered the following resolution:

*Resolved*, That 150 copies of a form which is hereunto attached be printed for the use of the members of the present Legislature.

On motion of Blakeley resolution was adopted.

Beach and Norton were granted leave of absence for the day.

On motion of Thompson, standing Committees of the House were allowed to report.

The following committees reported as follows:

*Mr. Speaker*: Your Committee to whom was referred House bill No. 20, (a bill for an act entitled an act prohibiting Trusts,) report that they recommend its passage.

FRANK,  
Chairman.

*Mr. Speaker*: Your Committee on Judiciary to whom was referred House bill No. 26, (a bill for an act entitled an act relating to the assessment of mortgages and other property,) respectfully return the same to your honorable body, and recommend that the same be referred to the Committee on Ways and Means, as they are dealing generally with the subject of revenue, to which this bill relates, and the matter should, if possible, become a part of a general law.

WM. WALLACE, JR.  
Chairman of Judiciary Committee.



*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House bill No. 35, report the same to your honorable body with the following substitute:

Substitute section 12, page 26, article 7 of the Constitution of the State of Montana, for section 1 of bill 35.

Section 1 of bill 35 becoming section 2; and section 2 becoming section 3; and they recommend the substitute do pass.

W. WALLACE, JR.,  
Chairman of Judiciary Committee.

*Mr. Speaker:* Your Committee on Agriculture and Stock growing, to whom was referred H. B. 78, (an act to appropriate money to pay the salary, traveling and office expenses of the veterinary surgeon,) would respectfully report the same back without amendments and recommend that it do pass.

BURNS,  
Chairman.

*Mr. Speaker:* Your Committee on Appropriations to whom was referred House bills 77, 79 and 80, ask leave to report the same back with the recommendation that they do pass.

TOOLE,  
Chairman.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred certain portions of the Governor's Message, beg leave to report upon one subject thereof to them referred, to-wit: the lottery and gift enterprise portion; that they find among the present laws of Montana now in force a law (p. 173-175, Sixteenth Session laws) which seems amply to comprehend and meet the requirements of section 2, article 19, of the State Constitution, and that there is in the opinion of your committee no occasion for further legislation upon this subject.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

On motion of Toole, House resolved itself into Committee of the Whole for consideration of House bills 77, 79 and 80.

House resumed.

Mr. Speaker pro tem in the chair.

Loud, Chairman of Committee of the Whole, reported having had under consideration House Bills No. 77, 79 and 80 and asked for further time to make report.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following House bills: Nos. 39, 46, 73, 74, 75 76; also that House Bill 37 is correctly printed except in the title.

HARDENBROOK,  
Chairman.

Committee on Engrossment made following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report House Bill 67, entitled substitute for House Bill No. 31, entitled a bill for an act entitled an act to fix the number of school trustees in cities and towns, as correctly engrossed.

KEMPLAND,  
Chairman.

House Bills No. 37, 39, 46, 78 placed on general orders.

House Bills No. 73, 74, 75, 76 referred to Committee on Appropriations and Claims.

On motion of Goodman, House resolved itself into Committee of the Whole for consideration of general orders.

House resumed.

Mr. Speaker pro tem in the chair.

Goodman, Chairman of Committee of the Whole, reported having had under consideration House Bills 78, 37, 39, 46 and asked for further time to report.

On motion of Greenough House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## THIRTY-NINTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 12th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

On motion of Howey, reading of the Journal of the thirty-eighth day postponed for one day.

Kempland, Chairman Committee on Engrossment, made the following report:

Helena, Montana, February 12th, 1891.

*Mr, Speaker:* Your Committee on Engrossment beg leave to report back House Bill No. 16, entitled an act for an act providing for the submission to the qualified electors of the State an amendment to the Constitution fixing the terms of county commissioners, as correctly engrossed.

KEMPLAND,  
Chairman.

Wallace, Chairman Judiciary Committee, made the following report:

Your committee, to whom was referred House Bill No. 45 (a bill to define mode of procedure in relation to rights of way for ditches, etc.), respectfully return the same to your honorable body and request that the same may be printed under rule 33 as

amended before they be required to consider the same, as this course will much facilitate the consideration and speedy return of the bill.

WALLACE,  
Chairman.

H. B. No. 45 was referred to Printing Committee.

Hardenbrook, Chairman Printing Committee, made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report the following House bills correctly printed: Nos. 15, 40, 54, 51, 21 and 19.

HARDENBROOK,  
Chairman.

H. B. Nos. 15, 40, 51, 21 and 19 were placed on general orders.

H. B. No. 54 referred to Committee on Incorporations and Manufactures.

Toole, Chairman Committee on Appropriations and Claims, made the following report:

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred House Bills No. 73, 74, 75, 76, ask leave to report the same back with the recommendation that they do pass.

TOOLE,  
Chairman.

House Bills No. 73, 74, 75 and 76 were placed on general orders.

Loud, Chairman Committee of the Whole, made the following report:

Helena, Montana, February 12th, 1891.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 77, 79, 80, beg leave to report the same back with the recommendation that H. B. 77 do pass as read. H. B. No. 79 be amended as follows, and when so amended recommend that it do pass:

Amend section 1, line 2, by striking out the word "five" and inserting in lieu thereof the word "seven."

Amend section 1, line 5, by inserting between the words "blind" and "children" the words "feeble minded."

Amend the title by inserting the words "feeble minded" after the word "mutes."

H. B. No. 80, recommend it do pass as read.

Very Respectfully,

C. H. LOUD.

Report adopted and House Bills Nos. 77. 79 and 80 referred to Engrossment Committee.

Wallace introduced following resolution:

Moved that the Printing Committee be directed to require the Journal Publishing Comprny to observe the law as to returning to the Legislature within three days all bills placed in its hands for printing; and that in the event the said Journal Publishing Company shall further fail to observe the law in this respect, the Printing Committee be instructed to secure the speedy printing of all bills in such manner as may seem expedient.

On motion of Barrows all rules conflicting with adoption of resolution were suspended:

On motion of Blakeley, resolution adopted.

Monteath introduced following resolution:

Moved that the Printing Committee be instructed to insist on the printing of bills as nearly as may be in the order they are delivered to the Public Printer.

On motion of Howey, resolution adopted:

The following bills were introduced, previous notice having been given:

By Frank—H. B. No. 96:

A bill for an act entitled an act to protect keepers of hotels, inns, boarding and eating houses.

Read first and second times.

Referred to Printing Committee.



By Frank—H. B. No. 97:

A bill for an act to allow Amistead H. Mitchell and Charles F. Mussigbrod interest upon their claim against the State of Montana for the care and maintenance of the insane.

Read first and second times.

Referred to Committee on Printing.

By Penrose—H. B. No. 98:

A bill for an act to provide for the establishment and incorporation of the Montana Medical College.

Read first and second times.

Referred to Committee on Printing.

By Frank—H. B. No. 99:

A bill for an act entitled an act to allow Thomas McTague and Frank Conley interest on their claim against the State of Montana for the keeping and maintenance of State convicts, also payments for improvements, additions and repairs made by said Conley and McTague in and to the State penitentiary at Deer Lodge, Montana.

Read first and second times.

Referred to Printing Committee.

By Cory—H. B. No. 100:

A bill for an act to provide for the location and maintenance of public parks and boulevards.

Read first and second times and on motion of Goodman referred to Committee on Towns, Counties and Highways.

By Carney—H. B. No. 101:

A bill for an act to define the powers and prescribe the duties of the State Board of Land Commissioners of the State of Montana in relation to the leasing and sale of school, university and all other lands granted the State for educational purposes:

Read first and second times.

Referred to Committee on Printing.

On motion of Blakeley, House took a recess until 2 P. M.

2 P. M.

House resumed.

Speaker pro tem in the chair.

The following message from the Senate was received:

SENATE CHAMBER,  
Helena, Montana, February 11th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that: Senator Redd introduced S. B. No. 30, a bill for an act regulating practice of medicine in the State of Montana and to provide for the examination and issuing of certificates to persons desirous of practicing the same and for the punishment of persons violating the provisions of this act.

Cardwell gave notice of a bill for the transferring of certain funds:

House Con. Res. No. 4, S. M. No. 2, and S. B. No. 5 have passed the Senate and the same are herewith transmitted.

Very Respectfully,  
DAVID MARKS,  
Assistant Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Cardwell:

S. B. No. 31—A bill for an act authorizing the State Treasurer to make a transfer of certain funds.

By Thompson:

S. B. No. 32—A bill for an act for the better protection of consumers of kerosene or coal oil.

Buford gave notice of the introduction of a bill for an act to amend an act in relation to town and village sites and plats.

S. B. No. 10 has passed the Senate and the same is herewith transmitted.

Very respectfully,  
JNO. J. FALLON,  
Secretary.

Senate Bill No. B, introduced by Hedges,

A bill for an act for the protection of the school lands.

Read first and second times.

Referred to Committee on Education.

Senate Bill No. 10, introduced by Hennessy,

A bill for an act to amend sections 446, 467, 468, and 469, of Chapter 25, fifth division, General Laws of Montana, relating to corporations for industrial or productive purposes.

Read first and second times.

Referred to Committee on Incorporations and Manufactures.

Senate Memorial No. 2, introduced by Hedges,

For the removal of the mineral restrictions upon school lands and the extension of the term of leases.

Read first and second times.

Referred to Committee on Federal Relations.

H. C. R. No. 4, was referred to Committee on Enrollment.

H. B. No. 16, introduced by Harlan, was read third time, placed on its final passage and passed. Title agreed to by the following vote.

Ayes—Beach, Blake, Blakeley, Burns, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Phillips, Penrose, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Wing, Woodson.—Total 44.

Noes—Carney, Whaley.—Total 2.

And referred to Committee on Enrollment.

On motion of Harlan report of Engrossment Committee was received.

Engrossment Committee made following reports:

*Mr. Speaker:* We, the majority of your Committee on Engrossment, beg leave to report House Bill No. 4, a bill to pre-

scribe the number, duties and compensation of the officers and employes of each House, as correctly engrossed.

POOL,  
HASTIE,  
STEBBINS,  
WING.

*Mr. Speaker:* As Chairman of your Engrossing Committee, I do not concur in the report of the majority of that Committee on House Bill No. 4, a bill to prescribe the number, duties and compensation of the members, officers and employes of each House.

Sec. 14, as reported by the majority of the Committee as properly engrossed, reads:

Members of the Legislature shall receive eight dollars per day compensation.

My understanding is that the compensation of members of the Legislature as adopted in six dollars per day. Otherwise there would have been no necessity of referring bill again to engrossing committee as there was no other change.

Respectfully,  
KEMPLAND,  
Chairman.

Frank moved adoption of minority report.

Thompson moved to amend by adopting majority report:

Goodman moved to table minority report.

Howey colled for ayes and noes.

Motion lost by following vote:

Ayes—Boardman, Blake, Day, Eaton, Goodman, Harlan, Harrington, Hastie, Hoffman, Hollywood, Lochray, Loud, Moran, Monteith, Newcomer, Phillips, Penrose, Poole, Roberts, Stebbins, Thompson, Waite, Wing.—Total, 23.

Noes—Barrows, Beach, Blair, Blakeley, Breen, Burns, Carney, Cory, Crutchfield, Dusseault, Frank, Greenough, Hardenbrook, Higgins, Holter, Horsky, Howey, Hughes, Kempland, McElwee, Mitchell, Schmidt, Toole, Twohy, Wallace, Whaley, Woodson, —Total 27.

The vote recurring on the amendment to the original question was lost by the following aye and no vote:

Aye:—Boardman, Blake, Day, Eaton, Goodman, Harlan, Harrington, Hastie, Hoffman, Hollywood, Lockray, Loud, Moran, Monteath, Newcomer, Phillips, Penrose, Poole, Roberts, Stebbins, Thompson, Waite, Wing.—Total 23.

Noes:—Barrows, Beach, Blair, Burns, Carney, Cory, Crutchfield, Dusseault, Frank, Greenough, Hardenbrook, Higgins, Holter, Horsky, Howey, Hughes, Kempland, McElwee, Mitchell-Schmidt, Toole, Twohy, Wallace, Whaley, Woodson, Mr. Speaker.—Total 26.

The vote recurring on the original motion the minority report was adopted by the following aye and no vote:

Ayes—Barrows, Beach, Blakeley Breen, Burns, Carney, Cory, Crutchfield, Dusseault, Frank, Greenough, Hardenbrook, Higgins, Holter, Horsky, Howey, Hughes, Kempland, McElwee, Mitchell, Schmidt, Toole, Twohy, Wallace, Whaley, Woodson.—Total 26.

Noes—Boardman, Blair, Blake, Day, Eaton, Goodman, Harlan, Harrington, Hastie, Hoffman, Hollywood, Lochray, Loud, Moran, Monteath, Newcomer, Phillips, Penrose, Poole, Roberts, Stebbins, Thompson, Waite, Wing.—Total 24.

Frank moved that H. B. No. 4 be referred to Engrossment Committee, with instruction to report in five minutes.

Thompson moved to amend by instructing Committee to report at 10 A. M. to-morrow.

Wallace moved for previous question.

Seconded by five members of the House.

Goodman moved call of House.

Howey moved that further proceedings under the call be dispensed with.

Carried by the following aye and no vote:

Ayes:—Barrows, Beach, Blair, Blakeley, Breen, Burns, Carney, Clark, Cory, Crutchfield, Dusseault, Frank, Greenough, Hardenbrook, Higgins, Holter, Horsky, Howey, Hughes, Kemp-land, McElwee, Mitchell, Schmidt, Toole, Twohy, Waite, Wallace, Whaley, Woodson.—Total 29.



Noes:—Boardman, Blake, Day, Eaton, Goodman, Harrington, Hastie, Hoffman, Hollywood, Lochray, Loud, Moran, Monteath, Newcomer, Phillips, Penrose, Poole, Stebbins, Thompson, Wing.—Total 20.

The previous question adopted by the following aye and no vote:

Ayes:—Barrows, Beach, Blair, Blakeley, Burns, Carney, Clark, Cory, Crutchfield, Dusseault, Frank, Greenough, Hardenbrook, Higgins, Holter, Horsky, Howey, Hughes, Humber, Kempland, McElwee, Schmidt, Toole, Twohy, Wallace, Whaley, Woodson.—Total 27.

Noes:—Boardman, Blake, Breen, Day, Eaton, Goodman, Harlan, Harrington, Hastie, Hoffman, Hollywood, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Phillips, Penrose, Poole, Roberts, Stebbins, Thompson, Wing.—Total 24.

Committee on Engrossment made the following reports:

Helena, Mont., Feby. 12, 1891.

*Mr. Speaker:* As Chairman of the Engrossment Committee I beg leave to report House Bill No. 4 correctly engrossed, as instructed by the House.

KEMPLAND,  
Chairman.

Helena, Mont., Feby. 12, 1891.

*Mr. Speaker:* A majority of your Committee on Engrossment beg leave to report that they find it impossible to bring in H. B. No. 4, as "correctly engrossed," as the alterations ordered by the House having never been regularly adopted.

They, therefore, bring in the Bill as ordered, but believe that the same is not correctly engrossed.

POOLE,  
HASTIE,  
WING,  
STEBBINS.

Chair ruled the majority report out of order, and H. B. No. 4 passed to its third reading and placed on final passage, and was lost by the following aye and no vote:

Ayes—Barrows, Beach, Blakely, Burns, Carney, Clark, Crutchfield, Dusseault, Frank, Hardenbrook, Howey, Hughes, Humber, Kempland, McElwee, Schmidt, Toole, Twohy, Wallace, Woodson. Total—20.

Noes—Boardman, Blair, Blake, Breen, Cory, Day, Eaton, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Phillips, Penrose, Poole, Roberts, Stebbins, Thompson, Whaley, Wing, Total—31.

On motion of Monteath, returned to the third order of business.

Phillips, Chairman Committee on Military Affairs, made following report:

*Mr. Speaker:* Your Committee on Military Affairs, to whom was referred H. B. No. 72, relating to the appropriating money for the support of the National Guard of Montana, would respectfully report that they have examined the same and recommend that it do pass.

PHILLIPS,  
Chairman.

. B. No. 72 referred to Engrossment Committee.

Woodson, Chairman Committee on Privileges and Election, made following report:

*Mr. Speaker:* We, your Committee on Privileges and Elections, having had under consideration H. B. No. 42 (a bill for an act entitled an act relating to official ballot boxes), beg leave to report back the same with the following amendments:

Sec. 7. All acts and parts of acts in conflict with this act are hereby repealed.

Make sec. 7 sec. 8.

We recommend that it do pass.

JNO. A. WOODSON,  
Chairman of Committee.

H. B. No. 42 referred to Printing Committee.

Hughes, Chairman Committee on Apportionment and representations, made following report:

Helena, Montana, February 12th, 1891.

*Mr. Speaker:* Your Committee on Apportionment, to whom was referred H. B. No. 3 (a bill for an act entitled an act fixing the number of members of the House of Representatives of the State of Montana and the ratio of the same to population, and apportioning the members among the counties of the State) report the same back with their recommendation that it do pass.

HUGHES,  
Chairman.

And H. B. No. 3 referred to Printing Committee.

Wing, Temporary Chairman of Engrossment Committee, made following report:

Helena, Mont., February 12th, 1891.

*Mr. Speaker:* Your Committee on Engrossment beg leave to return H. B. No. 8, with Senate amendment thereto, for further consideration. There is nothing on amendment showing that it is official.

Your committee also beg leave to state that they consider the proper Committee for its reference to be the Committee on Enrollment.

R. T. WING,  
Temporary Chairman.

H. B. No. 8, with amendments, was ordered transmitted to Senate to receive official certification.

Day, Chairman Committee on Enrollment, made the following report:

Helena, Montana, February 12, 1891.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have delivered to Gov. J. K. Toole H. B. No. 10 (an act to prescribe the duties of the State Board of Examiners) on Thursday, February 12, at 10:20 A. M.

A. M. DAY,  
Chairman.

Whaley, Chairman Committee on State Boards and Officers, to whom was referred H. B. No. 24, entitled, an act for a bill to provide for a Bureau of Labor, Agriculture and Industry and defining the duties and powers of its Commissioners.

Also, H. B. No. 25, entitled, a bill for an act to provide for a Bureau of Agriculture, Labor and Industry, beg leave to submit the following report:

We have carefully examined the above named bills and would respectfully recommend that they do not pass.

WHALEY,  
Chairman.

On motion of Whaley report was laid on table.

Hardenbrook, Chairman Committee on Printing, made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed, House Bill No. 33, a bill for an act for the protection of discharged employes and to prevent black-listing.

H. B. 55, a bill for an act to amend Sections 1144 and 1147 of the 5th Division of the General Laws.

H. B. 92, a bill for an act entitled an act to establish, locate and support certain State institutions.

H. B. 57, an act to amend Sections 1809 and 1819, 5th Division, Compiled Statutes of Montana, relating to roads and highways.

H. B. 56, An act to authorize married women to transact business in their own names as sole traders.

H. B. 65, an act to prevent illegal voting at primary elections

HARDENBROOK,  
Chairman.

H. B. 65 was referred to Committee on Privileges and Elections.

H. B. 56 was referred to Judiciary Committee.

H. B. 57 was referred to Committee on Towns, Counties and Highways.

Howey moved that H. B. 92 be referred to special committee of one from each county.

Greenough called for ayes and noes.

Blakeley moved call of House.

Seconded by five members.

Barrows moved that further proceedings under the call be dispensed with.

Carried by following aye and no vote:

Ayes—Barrows, Beach, Blair, Blake, Breen, Carney, Crutchfield, Day, Dusseault, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Lochray, Mitchell, Newcomer, Phillips, Poole, Schmidt, Twohy, Thompson, Woodson—Total 28.

Noes—Boardman, Blakeley, Burns, Clark, Cory, Eaton, Goodman, Howey, Humber, Loud, McElwee, Moran, Monteith, Penrose, Roberts, Stebbins, Toole, Whaley, Wing—Total 19.

The motion of Howey was adopted by the following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blakeley, Burns, Clark, Cory, Dusseault, Eaton, Goodman, Hardenbrook, Hoffman, Hollywood, Holter, Horsky, Howey, Loud, McElwee, Moran, Newcomer, Penrose, Roberts, Schmidt, Stebbins, Toole, Thompson, Wallace, Whaley, Wing, Woodson, Speaker pro tem Humber.—Total 32.

Noes—Blake, Breen, Carney, Crutchfield, Day, Greenough, Harlan, Harrington, Hastie, Higgins, Lochray, Mitchell, Monteith, Phillips, Poole, Twohy.—Total 16.

And the following Committee was appointed in compliance therewith:

Beach, Lewis and Clark Co.	Hughes, Deer Lodge.
Boardman, Choteau.	Loud, Custer.
Blakeley, Gallatin.	Newcomer, Dawson.
Breen, Jefferson.	Norton, Yellowstone.



Carney, Madison.

Eaton, Park.

Hastie, Cascade.

Higgins, Missoula.

Schmidt, Silver Bow.

Waite, Fergus.

Wing, Beaverhead.

Woodson, Meagher.

H. B. 55 referred to Agriculture and Stock Growing.

H. B. 33 placed on general orders.

On motion of Greenough, House adjourned.

CHAS. Z. POND,

Chief Clerk.

## FORTIETH DAY.

HOUSE OF REPRESENTATIVES,

Helena, Montana, February 13th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Journal of the thirty-eighth day read and approved.

Reading of Journal of thirty-ninth day deferred.

The following communication was received from the State Board of Examiners:

Helena, Montana, February 12, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the claim of Drs. Mussigbrod and Mitchell against the State of Montana for the sum of \$84,367.32, with the accompanying papers, accounts and vouchers, together with our approval of the same.

JOS. K. TOOLE, Gov. & ex-officio Chairman.

H. J. HASKELL, Attorney General.

L. ROTWITT, Secy. of State & ex-officio Secy.

Members State Board of Examiners.

Reports were referred to Committee on Appropriations.

The following communication from the Governor was received:

STATE OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, February 12th, 1891.

*To the House of Representatives:*

I have this day approved House bill No, 10, an act to prescribe the duties of the State Board of Examiners.

JOS. K. TOOLE,  
Governor.

Higgins introduced a petition from residents and tax payers from Missoula County asking that a law be passed compelling R. R. Companies to build lawful fences on both sides of line of their right of way. Signed by J. R. Latimer and seventy-three others.

The following notices of the introductions of bills were given:

By Loud:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day, introduce a bill for an act to amend section fifteen hundred and sixty, fifth division, compiled statutes of Montana, relative to the appointment of notaries public.

By Loud:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day, introduce a bill for an act appropriating money to pay the bounties upon certain stock destroying animals.

By Woodson:

*Mr. Speaker:* I hereby give notice that I will on tomorrow or some future day introduce the following bills:

An act providing for the election of State and County officers and the canvassing of the returns of said elections.

An act to provide for the election of presidential electors.

An act to provide for the election of a Representative in Congress.

By Blakeley:

*Mr. Speaker:* I will on to-morrow or some future day introduce a bill for an act to provide for an agricultural college and the location thereof.

By Thos. Greenough:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill for an act amending the fourth subdivision of section three of an act entitled an act to provide for the levy of taxes and assessment of property, approved September 14th 1887.

By Goodman:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill to prevent gambling, and to prevent the use of certain gambling devices in the State of Montana.

By Hughes:

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill for an act to prescribe the duties, numbers and compensation of employes of each House of the Legislative Assembly of the State of Montana.

By Wallace:

Notice of introduction of bill entitled, a bill for an act to provide for bonding the outstanding indebtedness of the City of Helena.

The Printing Committee made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report the following bills as correctly printed:

H. B. 22—An act to repeal section 252 of the 4th Division of the Compiled Statutes of Montana.

H. B. 61—An act to amend section 1880 of the School laws of Montana in relation to publishing notices and the qualifications of electors at school elections.

H. B. 58, an act to appropriate money for the Executive, Legislative and Judicial Departments for the fiscal years ending December 1st, A. D. 1891 and December 1st, A. D. 1892.

H. B. 11, an act concerning compensation of county, district and township officers.

H. B. 23, an act to repeal section 253 of the Fourth Division of the Compiled Statutes of Montana.

H. B. 53, a bill for an act entitled an act to create State and County Canvassing Boards and to define the duties of the same.

H. B. 84, a bill for an act regulating granting of pardons, etc., also report of Judiciary Committee on H. B. 11.

HARDENBROOK,  
Chairman.

H. B. 61 was rererred to Committee on Privileges and Elections.

H. B. 58 was referred to Committee on Appropriations and Claims.

H. B. 84 was referred to Committee on State Boards and Officers.

House Bills 22, 11, 23 and 53 were placed on General Orders.

Committee on State Boards and Officers made the following report:

*Mr. Speaker:* Your Committee on State Boards and Officers, to whom was referred House Bill No. 27, a bill for an act entitled an act prescribing the compensation and duties of the Clerk of the Supreme Court and regulating fees, would respectfully report a substitute for the same and recommend its passage.

WHALEY,  
Chairman.

Goodman, Chairman Committee of the Whole, made following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 78, 37 and 39 beg leave to report as follows:

We would recommend that H. B. 78 do pass as read. Title agreed to.

H. B. 37 be amended as follows: Strike out of second line of title the word "defining" and insert in lieu thereof the word "concurring," and when so amended recommend it do pass.



H. B. No. 39, amend by adding to title the words "and providing for keeping the same," and when so amended recommend it do pass.

GOODMAN,  
Chairman.

On motion of Poole report was adopted.

Engrossment Committee made following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report House Bills No. 77, entitled an act appropriating moneys to pay for the care, custody and maintenance of the insane; No. 79, entitled an act appropriating money to pay the expenses of the education and transportation of deaf mutes and blind children; No. 80, an act appropriating money to pay the salaries, office and traveling expenses of the Inspector and Deputy Inspector of Mines, correctly engrossed.

KEMPLAND,  
Chairman.

The following bills were introduced, previous notice having been given.

H. B. 102—Introduced by Blair:

A bill for act facilitating the recording of marks and brands  
Read first and second times.

Referred to Printing Committee.

H. B. 103—Introduced by Toole:

A bill for an act appropriating money for the care and maintenance of the insane.

Read first and second times.

Referred to Printing Committee.

H. B. 104—Introduced by Hastie:

A bill for an act to create the Eleventh Judicial District and providing for its organization.

Read first and second times.

Referred to (Judiciary?) Printing Committee.

H. B. 105—Introduced by Wallace:

A bill for an act to provide for the outstanding indebtedness of the City of Helena.

Read first and second times.

Referred to Printing Committee.

H. B. 106—Introduced by Thompson:

A bill for an act to prescribe the compensation of the Legislative Assembly.

Read first and second times.

Referred to the Printing Committee.

The following communications were received from the Senate:

Senate Chamber, Helena, Mont.

*To the Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that S. J. M. No. 3 has passed the Senate and the same is herewith transmitted.

Very respectfully,

JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that S. B. No. 4 was read third time and lost.

Senator Hoffman gave notice of a bill to provide for an agricultural college and the location thereof.

Goddard introduced S. B. 33, a bill for an act to amend an act entitled an act concerning that portion of the Crow Indian Reservation adjacent to Yellowstone County; approved March 5th, 1885.

Senator Hedges gave notice that he would move a reconsideration of the vote by which S. B. No. 4 was lost.

Very respectfully,

JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to advise your honorable body that H. J. M. No. 2, and S. J. M. No. 4, have passed the Senate and are herewith transmitted.

Very Respectfully,  
JON. J. FALLON,  
Secretary.

Thompson moved that all rules interfering with third reading of S. J. M. No. 3 be suspended.

Lost.

S. J. M. No. 3 was referred to Committee on Military Affairs.

H. B. No. 67, a bill for an act entitled an act to fix the number of school trustees in cities and towns, read third time and passed by following aye and no vote.

Ayes—Barrows, Blair, Blakeley, Breen, Burns, Carney, Crutchfield, Day, Dusseault, Eaton, Goodman, Greenough, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Loud, McElwee, Mitchell, Moran, Monteith, Newcomer, Norton, Penrose, Poole, Roberts, Stebbins, Toole, Twohy, Waite, Wallace, Whaley, Wing, Speaker pro tem Beach.—Total 40.

Noes—0.

H. B. No. 77, a bill for an act appropriating money to pay for the care, custody and maintenance of insane, read third time and passed by following aye and no vote:

Ayes—Barrows, Blair, Blake, Blakeley, Breen, Carney, Crutchfield, Day, Dusseault, Goodman, Greenough, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, Loud, Moran, Monteith, Newcomer, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Wallace, Whaley, Wing, Woodson, Mr. Speaker pro tem.—Total 38.

Noes—Total, 0.

H. B. 79, a bill for an act appropriating money to pay the expenses of the education and transportation of deaf mutes, feeble minded and blind children.

Referred to Engrossing Committee.

H. B. No. 80, a bill for an act appropriating money to pay the salaries, office and traveling expenses of the Inspector and Deputy Inspector of Mines.

Read third time and passed by following aye and no vote:

Ayes:—Barrows, Boardman, Blakeley, Breen, Carney, Crutchfield, Day, Dusseault, Goodman, Greenough, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, Loud, Moran, Monteith, Newcomer, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Wallace, Whaley, Woodson, Mr. Speaker pro tem.  
—Total, 36.

Noes—Total, 0.

On motion of T. L. Greenough, House took a recess until 2 o'clock P. M.

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2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Communications from State Board of Examiners were received, accompanied by reports, and were referred to Committee on Appropriations and Claims for the purpose of drafting bills to meet the same.

The following report, from Committee on Appropriations and Claims, was received, viz:

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 58, entitled, "an act to appropriate money for the Executive, Legislative and Judicial Departments for the fiscal year ending Dec. 1st, A. D. 1891, and A. D. 1892, report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

H. B. No. 58 was then placed on General Orders.

Enrollment Committee made the following report, viz:

*Mr. Speaker:* We, your Committee on Enrollment, beg leave to report House Concurrent Resolution No. 4 correctly enrolled.

DAY,  
Chairman.

H. C. R. No. 4 was then signed by the Speaker in the presence of the House.

The following communication was received from the Senate Enrollment Committee:

*Mr. Speaker:* Senate Enrollment Committee herewith present to you for your signature Senate Bill No. 2, the same having been signed by the President of the Senate.

BECKER,  
Chairman.

Mr. Speaker *pro tem* notified the House that he was about to sign Senate Bill No 2, and then signed the same in the presence of the House.

On motion of Toole, House resolved itself into Committee of the Whole for consideration of House Bills 73, 74 and 75. Committee arose.

House resumed.

Thompson, Chairman Committee of the Whole, asked for further time to make report.

On motion of Beach, House resolved itself into the Committee of the Whole for the purpose of considering House Bills Nos. 58 and 11.

Committee arose.

House resumed.

Frank, Chairman Committee of the Whole, asked for further time to make report.

On motion of Norton, rules were suspended and S. J. M. No. 4 read third time and put upon its final passage and passed by following aye and no vote:



Ayes:—Messrs. Beach, Boardman, Blair, Blake, Blakeley, Breen, Burns, Carney, Crutchfield, Day, Dusseault, Eaton, Goodman, Greenough, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber. Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Whaley, Wing, Woodson.

Monteath moved to take a recess until 7:30 P. M.

Greenough moved that the House adjourn.

Motion to adjourn carried.

CHAS. Z. POND,  
Chief Clerk.

## FORTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,

Helena, Montana, February 14th, 1891.

House met pursuant to adjournment at 10 A. M.

Roll called—Quorum present.

Prayer by Chaplain.

Blake, Harlan and Thompson were excused.

Carney and Lochray announced as paired until Monday.

Penrose and Thompson announced as paired until Monday, 2 P. M.

Clark introduced petition from parties owning and operating mines in the State of Montana petitioning that eight hour bill do not pass.

Signed by C. H. Palmer, Supt. Butte and Boston Mining Co. and 25 others.

Breen introduced petitions from underground miners and laborers of Cascade County, signed by Daniel Kettles and 196 others and miners and mine laborers of Elk Horn signed by S. J. Roe and 77 others and miners of Camp Barker, signed by J. W. Maloney and 89 others, asking that eight hour bill do pass.

Referred to Committee on Labor.

The following notices of introduction of bills were given, viz:

By Phillips:

*Mr. Speaker:* I hereby give notice that I will on Monday or some subsequent day introduce a bill to amend or revise the military code.

By Twohy.

*Mr. Speaker:* I hereby give notice that on to-morrow or some future day I will introduce a bill providing for a state insane asylum and the location of the same.

By Woodson:

*Mr. Speaker:* Notice is hereby given that I will on tomorrow or some subsequent day introduce a bill for an act to provide for the incorporation of mortgage and loan companies.

By Holter:

*Mr. Speaker:* I hereby give notice that I will on the next Legislative day or some day subsequent thereto introduce a bill to amend an act entitled an act to incorporate the city of Helena, approved February 22d 1881, and the several subsequent acts amendatory thereto.

By Holter:

*Mr. Speaker:* I hereby give notice that I will on Monday next or some future day introduce a bill to repeal an act entitled an act to establish a territorial board of inspection for steam boilers and for the examination and licensing of engineers.

Thompson, Chairman Committee of the Whole, made the following report viz:

*Mr. Speaker:* Your Committee of the Whole having had under consideration H. bills 73, 74 and 75 beg leave to report that we recommend that H. B. 73 be referred to Committee on Appropriations and claims.

Amend H. B. 74 by striking out last three words on line one of title and recommend that bill do pass when so amended.

Amend H. B. No. 75, clerk ordered to strike out comma after 1892. We recommend that this bill be referred to Committee on Appropriations.

THOMPSON,  
Chairman.

Frank, Chairman of Committee of the Whole, made following report viz:

Helena, Montana, February 13th, 1891.

*Mr. Speaker:* The Committee of the Whole having under consideration House Bill No. 58 and 11, entitled, a bill for an act

to appropriate money for the executive, legislative and judicial departments for the fiscal years ending December 1st, A. D. 1891 and December 1st, A. D. 1892, and a bill for an act concerning compensation of county district and township officers, made the following report, viz:

That H. B. No. 58 be forthwith referred to the Appropriation Committee with directions to prepare two separate bills, one in nature of a relief bill for five persons who resigned as members, the former employes in either branch who are not employes of this House. The other embracing all other subjects of bill 58.

That House Bill No. 11 be re-committed to the Judiciary Committee.

FRANK,  
Chairman.

Committee on Incorporations and Manufactures made the following report:

Helena, February, 1891.

*Mr. Speaker:* Committee on Incorporations and Manufactures, to whom was referred House Bills Nos. 10 and 54, entitled an act to amend sections 446, 467, 448 and 469 of chapter 25, Fifth Division, General Laws of Montana, relating to corporations for industrial or productive purposes, and H. B. No. 54, an act requiring railroad companies to pay for damage to stock, make the following report, viz:

Amend H. B. No. 10 by adding the following section, and that it pass when so amended:

Sec. 5. That section 472, of said Fifth Division of said laws, be amended so as to read as follows:

Sec. 472. Whenever any person or persons owning fifteen per cent of the capital stock of any company formed under the provisions of this chapter shall present a written request to the secretary or treasurer thereof, that they desire a statement of the affairs of such company, it shall be the duty of such secretary or treasurer to make a statement of the affairs of the company under oath, embracing a particular account of all its assets and liabilities in minute detail and, and to deliver such statement to the persons who presented such written request to

said Secretary or treasurer within twenty days after such presentation, and shall also at the same time place and keep on file in his office for six months thereafter a copy of such statement, which shall at all times during business hours be exhibited to any stockholder of said company demanding an examination thereof; such secretary or treasurer, however, shall not be required to deliver such statement in the manner aforesaid oftener than once in six months. If such secretary or treasurer shall neglect or refuse to comply with any provisions of this chapter he shall forfeit and pay to the person presenting said written request the sum of fifty dollars and the further sum of ten dollars for every twenty-four hours thereafter until such statement shall be furnished, to be sued for and recovered in any court having cognizance thereof.

Amend by making section 5 read section 6.

Amend the title by adding the figures 472.

That H. B. No. 54 pass as read.

FRANK,  
Chairman.

H. B. No. 54 placed on General Order.

H. B. No. 10 placed on General Order.

Committee on Agriculture and Stock-growing made the following report:

*Mr. Speaker:* Your Committee on Agriculture and Stock-growing, to whom was referred H. B. No. 43, an act to amend an act for the better protection of game and fish, have had the same under consideration and would report the same back without amendments and recommend that the same do pass.

BURNS,  
Chairman.

H. B. 43 then referred to Printing Committee.

Committee on Appropriations and Claims made the following report:

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. No. 62, entitled, an act to pro-



vide for the care and keeping of the insane, and report the same back with amendments and as so amended recommend that it do pass.

TOOLE,  
Chairman.

Amendments:

Strike out the word "two," sec. 8, line 7, and insert in lieu thereof the word "six."

Strike out the word "one," line 8, sec. 8, and insert in lieu thereof the word "five."

Strike out the words "five hundred" at the end of line 13, sec. 8, and insert in lieu thereof the words "one thousand."

Add to sec. 8 the following words: Provided that the insane shall be kept and maintained within the State of Montana.

TOOLE,  
Chairman.

H. B. 62, then placed on general order.

Committee on Towns, Counties and highways, made following report:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways have had under consideration H. B. No. 100, an act to provide for the location and maintenance of public parks and boulevards, and report the same back to the House without recommendation.

BLAKELEY,  
Chairman.

Committee on Agriculture and Stockgrowing made the following report:

*Mr. Speaker:* Your Committee on Agriculture and Stockgrowing, to whom was referred H. B. No. 55, an act to amend sections 1144 and 1147 of the Fifth Division of the General Laws, have had the same under consideration and report the same back without amendments and recommend that the same do pass.

BURNS,  
Chairman.

H. B. No. 55 placed on general orders.

Engrossment Committee made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report H. B. No. 78, entitled, an act appropriating money to pay the salary, traveling and office expenses of the Veterinary Surgeon, correctly engrossed.

KEMPLAND,  
Chairman.

Printing Committee made following reports:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed H. B. No. 5, an act to provide for the management and maintenance of the State Prison.

Also sub. for H. B. No. 5, as printed with the following errors: On line 46, after the word salaries, and before the word presented insert: "Repairs, buildings or labors must be certified by the warden."

Also on page 6, line 4: "Two years and nine months" should read "two years and six months."

HARDENBROOK,  
Chairman.

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following:

H. B. No. 12, an act fixing the compensation for the board of prisoners confined in county jails.

H. B. No. 7, an act to amend sections 1831 and 1836, 5th Division Compiled Statutes of Montana, relating to the office of road supervisor.

H. B. No. 68, an act to legalize warrants issued by cities and towns, including specially chartered cities of the State of Montana.

H. B. No. 63, an act to amend an act entitled an act concerning licenses, approved September 14th, 1887.

H. B. No. 89, an act appropriating money to pay the salaries of the officers and members of the Senate and House of Repre-

sentatives of the first Legislative Assembly of the State of Montana and the mileage of said members at said session.

H. B. No. 70, An act providing for the editing and revision of the debates and proceedings of the Constitutional Convention of the State of Montana, for the public printer.

H. B. No. 64, a bill for an act providing for the recording of all deeds, mortgages and other instruments in writing, for the conveyance or encumbrance of real estate.

H. B. No. 66, a bill for an act to protect certain squirrel and mice destroying animals.

*Mr. Speaker:* Your Committee on Printing beg leave to report the following bills as correctly printed:

H. B. No. 59, an act providing for the submission of the question of the permanent location of the seat of government.

H. B. No. 69, an act to amend an act to regulate the practice of medicine in the State of Montana, and to provide for the examination on and issuing of certificates to persons desirous of practicing the same, and for the punishment of persons violating the provisions of this act.

H. B. No. 38, an act concerning executions.

H. B. No. 49, an act to amend sec. 447 of the 5th Division Compiled Statutes of Montana.

H. B. No. 48, an act to enable the Courts of the State of Montana to procure proper seals.

H. No. 82, an act to protect the grasses and forests of the State from destruction by fire.

H. B. No. 88, an act appropriating money for the benefit of the Montana Law Library.

H. B. No. 85, an act proceedings for dividing or forming new counties.

H. B. No. 91, an act to amend sec. 731 of chapter 38 of the 5th Division of the Compiled Statutes of Montana, defining

the boundaries of Deer Lodge County, and to render the same definite.

HARDENBROOK,  
Chairman.

H. B. No. 83, referred to Committee on Ways and Means.

H. B. No. 66 referred to Committee on Agriculture and Stockgrowing.

H. B. No. 64, referred to Committee on Judiciary.

H. B. No. 70 referred to Committee on Ways and Means.

H. B. No. 89 referred to Committee on Appropriations and Claims.

H. B. No. 63, referred to Committee on Ways and Means.

The following bills were placed on general orders:

H. Bills Nos. 5, 7, 38, 49, 48, 12.

H. B. No. 91, referred to Committee on Towns, Counties and Highways.

H. B. No. 59, Referred to Committee on Internal Improvements.

H. B. No. 69, referred to Judiciary Committee.

H. B. No. 88, referred to Judiciary Committee.

H. B. No. 82, referred to Agricultural and Stockgrowing.

H. B. No. 85, referred to Committee on Towns, Counties and Highways.

H. B. No. 82, referred to Committee on Education.

Judiciary Committee made following report:

H. B. No. 11.

Wallace moved report be received and bill restored to place on general order.

*Mr. Speaker:* Your Committee on Judiciary, to whom has been referred H. B. No. 11, report the same back with the following amendments:

Amend sec. 5 by adding after the words, "County Commissioners," at the foot of page 4, the following:

Save and except county attorneys, whose salary shall be payable likewise quarterly, one-half from their respective County Commissioners upon the warrant of the County Commissioners, and the other one-half from the State Treasurer upon a warrant drawn against the State treasury by the State Auditor, which last named warrant shall be drawn by the Auditor upon representation of a certificate from the Board of County Commissioners of the respective counties, naming the amount for which the same shall be drawn.

Amend sec. 6, by striking out all the portion of said section found on page 6, and substituting in lieu thereof the following:

Provided the whole number of assistants and deputies allowed the County Clerk and Recorder shall not exceed three for the first class, and two each for the second and third classes, and in no instance shall the County Clerk and Recorder be entitled, within the limits above named, to a greater number of deputies than the reported fees of his office would compensate at the rate of salaries hereinbefore provided for. The whole number of assistants and deputies allowed the County Treasurer shall not exceed one for the first class, and none shall be allowed in either of the other classes.

The whole number of deputies and assistants to be allowed (exclusive of the under sheriff) any sheriff, shall not exceed three for the first class and two for each the second and third classes.

The number of deputies or assistants within the maximum limits herein provided for to be awarded to any of the county officers aforesaid, shall be determined by the Board of County Commissioners, provided that the county commissioners of the respective counties are hereby empowered to pay a reasonable compensation for deputies especially employed for a temporary purpose, and in times of unusual emergency and great public need by the sheriffs of their respective counties upon bills for such services then certified by the sheriff, disclosing the nature and kind of service rendered.

The salaries herein provided for, or so much thereof as shall be allowed, shall be paid by warrants drawn from the contingent funds of the respective counties, in quarterly installments.



Amend Sec. 9 by striking out from lines 14 and 15 on page 7, the following:

“Upon indictment or information in the District Court of the proper county,” and also by inserting for the word “dollars” in line 19 the following: “when more than \$3,000.”

Amend Sec. 11 by adding after the word clerk in the last line thereof the following: “the wilful false swearing in connection with the foregoing oath shall be deemed perjury and punished as such.

Amend Sec. 13, by inserting after the word “are” in line 26 the following: “now allowed or may hereafter be allowed by law to.” Amend Section 13 by striking out all after the word “folio” in line 2 on page 10.

Amend Section 15, by adding after the word “of” at the end of line 12 on page 10, the following: “8 cents per mile for railroad travel,” and also by adding after the word “mile” in line 13 the following; “or other modes of travel.”

Amend Section 16, page 14, line 10, by striking out all of said line and substituting in lieu thereof the following: “for every mile actually and necessarily traveled on the railroad, 8 cents,” “for every mile actually and necessarily traveled by and other mode or conveyance, 15 cents.

Strike out all of section 17.

Strike out all of Section 18, because before provided for in section 2.

WALLACE,  
Chairman.

H. B. No. 11 referred to general orders.

The following notices of the introduction of bills were given H. B. 107, by Loud:

A bill for an act to amend section fifteen hundred and sixty, Fifth Division, Compiled Statutes of Montana, relating to appointment of notaries public.

Read first and second times.

Referred to Printing Committee.

H. B. No. 108, by Hughes:

A bill for an act to prescribe the duties, number and compensation of employes of each House of the Legislative Assembly of the State of Montana.

Read first and second times.

Referred to Printing Committee.

H. B. No. 109, by Greenough:

An act to amend an act entitled an act to provide for the levy of taxes and assessment of property, approved Sept. 14th, 1887.

Read first and second times.

Referred to Printing Committee.

On motion of Greenough, House took a recess until 2 P. M.

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2 P. M.

House resumed.

In the absence of Humber, Speaker pro tem, the House was called to order by Chief Clerk.

On motion of Frank, Loud was elected Speaker pro tem.

Messrs. Stebbins, Breen, McElwee and Burns were granted leave of absence until Monday, 16th inst.

The following resolution was introduced by Hollywood:

By Hollywood:

*Mr. Speaker:*

*Resolved*, That Miss Alice McAndrews be appointed as an additional committee clerk.

The following resolution was introduced by Kempland:

*Resolved*, That Phillip McGough be employed as an additional clerk for the Engrossing Committee.

Day moved to adopt resolution of Kempland.

On motion Hollywood's resolution adopted.

On motion of Eaton, a call of House was had, motion being seconded by five members.

On motion of Roberts further proceedings under the call was dispensed with by the following aye and no vote:

Ayes—Barrows, Beach, Blair, Blakeley, Breen, Crutchfield, Day, Eaton, Goodman, Hardenbrook, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, Kempland, Loud, Mitchell, Newcomer, Norton, Phillips, Roberts, Schmidt, Wallace, Whaley, Wing, Woodson.—Total 28.

Noes—0.

H. B. 110, by Woodson:

A bill for an act to provide for the election of presidential electors.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 111, by Woodson:

A bill for an act to provide for the election of a Representative in Congress.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 112, by Toole:

An act appropriating certain money to pay for the care and keeping of State Convicts.

Read first and second times.

Referred to Printing Committee.

H. B. 113, by Toole:

An act appropriating money for the relief of Jessie P. Stafford, for services rendered the State of Montana.

Read first and second times.

Referred to Committee on Printing.

H. B. No. 114, by Toole:

An act appropriating money for the relief of A. P. Brown, for services rendered the State of Montana.

Read first and second times.

Referred to Printing Committee.

H. B. No. 115, by Blakeley:

A bill for an act to provide for an agricultural college and the location thereof:

Read first and second times.

Referred to Printing Committee.

H. B. No. 116, by Judiciary Committee, Wallace, Chairman:

A bill for an act concerning the fees for official services by county, district and township officers.

Read first and second times.

Referred to Printing Committee.

H. B. No. 117, by Privileges and Election Committee, Woodson, Chairman:

A bill for an act providing for the election of state and county officers and the canvassing of the returns of said election.

Read first and second times.

Referred to Printing Committee.

H. B. No. 118, by Committee on Ways and Means:

A bill for an act concerning the assessment and collection of taxes.

Read first and second times.

Referred to Printing Committee.

Senate bill No. 1, by Thornton:

A bill for an act to provide for sessions of the Supreme Court.

Read first and second times.

Referred to Judiciary Committee.

The following communication from the Senate was received, viz:

SENATE CHAMBER,  
Helena, Montana, February 14th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B. No. 8 is herewith returned, and as to amendments to the same would most respectfully refer your honorable body to a communication of the 11th inst. officially informing you of the amendments adopted to said bill by the Senate.

S. J. M. No. 4, H. B. Nos. 16, 67, 77 and 80, all of which were received by the Senate from your honorable body without any communication or other official notification whatever as to action the House had taken upon the same, are herewith returned.

S. J. M. Nos. 5 and 6 and S. J. R. No. 2 have passed the Senate under suspension of the rules and the same are herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

S. J. R. No. 2:

A joint resolution to the Governor and Legislatures of the States of Idaho, Washington, California, Colorado, Nevada, Wyoming and Oregon, and the Territories of Utah, Arizona and New Mexico.

Read first and second times.

Rules suspended.

Considered engrossed.

Read third time and passed.

Title agreed to by following aye and no vote:

Ayes—Barrows, Beach, Blair, Blakeley, Breen, Burns, Crutchfield, Day, Eaton, Goodman, Hardenbrook, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, Loud, Mitchell, Newcomer, Norton, Phillips, Roberts, Schmidt, Wallace Whaley Wing Woodson:—Total 28.

Noes—0.

S. J. M. No. 5:

To Congress of the United States for such action as will preserve mines and mineral lands in Montana to the people.

Read first and second times.

Rules suspended.

Considered engrossed.

Read third time and passed.



Title agreed to by following aye and no vote:

Ayes—Barrows, Beach, Blair, Blakeley, Breen, Burns, Crutchfield, Day, Eaton, Goodman, Hardenbrook, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, Loud, Mitchell, Newcomer, Norton, Phillips, Roberts, Schmidt, Wallace, Whaley, Wing, Woodson.—Total 28.

Noes—0.

S. J. M. No. 6:

A joint memorial to the Senate and House of Representatives of the United States, in Congress assembled.

Read first and second times.

Rules suspended.

Read third time and passed.

Title agreed to by the following aye and no vote:

Ayes—Barrows, Beach, Blair, Blakeley, Breen, Burns, Crutchfield, Day, Eaton, Goodman, Hardenbrook, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, Loud, Mitchell, Newcomer, Norton, Phillips, Roberts, Schmidt, Wallace, Whaley, Wing, Woodson.—Total 28.

Noes—0.

The following communications were received from the Senate:

SENATE CHAMBER,  
Helena, Montana, February 13th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Hoffman—S. B. No. 34:

An act to provide for an agricultural college and the location thereof.

By Goddard:

S. B. No. 35—An act conferring additional powers and duties on Clerks of the District Courts.

By Matts:

S. B. No. 36—An act to create a railroad commission and prescribe its powers and duties.

Notices of the introduction of bills were given as follows:

By Hedges:

A bill for an act concerning the Historical Society, and making an appropriation therefor.

By Becker:

A bill for the location of the State School of Mines at Glendive, and to provide for the maintenance of the same.

By Power:

A bill to establish, maintain and locate a State Reform School at Fort Benton.

By Goddard:

A bill to establish a State University at Billings.

By Hennessy:

A bill entitled, an act to provide for a Mineral Land Commissioner for the State of Montana, to define his duties, and to provide for his compensation and expenses.

Very respectfully,

JNO. J. FALLON,

Secretary.

SENATE CHAMBER,

Helena, Montana,

1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Hedges, S. B. No. 37:

A bill for an act concerning the Historical Society of Montana and making an appropriation therefor.

By Thornton, S. B. No. 38:

A bill for an act to fix the compensation of members of the Legislature of the State of Montana.

By Buford, S. B. No. 39:

A bill for an act, entitled an act to amend sec. 144, Chapter X, of the Fifth Division of the Compiled Statutes of Montana.

Notices of the introduction of bills were given as follows:

By Thompson:

A bill annexing to Park County all of that portion of the Crow Reservation west of Clarke Fork River.

Also, a bill locating a State Normal School at Livingston, Montana.

By Buford:

A bill to amend sec. 144, Fifth Division, General Laws of Montana.

By Matts:

A bill for an act to provide for the location of the State University.

Very respectfully,

JNO. J. FALLON,  
Secretary.

Communication from the State Board of Examiners, as to claims of:

Agnes M. Roberts.....	\$1033 00
Marie L. Mason.....	866 66 $\frac{2}{3}$
Helena Independent.....	50 00
“ “ .....	234 20
“ “ .....	1946 18
Christopher P. Connolly.....	2343 00
Interest.....	234 30
Louis DeLestry.....	400 00
W. H. Orr.....	73 94
Pennsylvania.....	337 50
Willie Pope.....	66 00
E. W. Knight.....	761 13
Wm. Zastrow.....	680 00
Wm. Rumsey.....	650 00
Lewis and Clarke Co.....	4555 00
J. R. Miller.....	400 00
Merchants National Bank.....	3163 50
Journal Publishing Co.....	7632 88

which were referred to Committee on Appropriations and Claims.

The following communication was received from the State Board of Examiners:

## EXECUTIVE OFFICE,

Helena, Montana, February 13, 1891.

*To the House of Representatives:*

In order to properly prepare claims for consideration by the State Board of Examiners, preserve copies of accounts, proofs presented and make the proper and necessary record of proceedings before the Board, we are unanimously of the opinion that the members comprising the Board cannot faithfully and fairly discharge their duties as members of said Board without neglecting the duties of their respective offices, as Governor, Secretary of State, and Attorney General, unless they are allowed clerical assistance.

We, therefore, recommend an annual appropriation of six hundred dollars, to be expended under the direction of the Board, for clerical assistance.

JOS. K. TOOLE, Gov. &amp; ex-officio Chairman.

L. ROTWIT, Secy. of State &amp; ex-officio Secy.

H. J. HASKELL, Attorney General.

State Board of Examiners.

The Engrossing Committee made the following report:

Helena, Montana, February 13, 1891.

*Mr. Speaker:* Your Committee on Engrossment beg leave to report House Bill No. 79, entitled an act appropriating money to pay the expenses of the education and transportation of deaf mutes, feeble minded and blind children, as correctly engrossed.

Respectfully,

KEMPLAND,

Chairman.

H. B. 79, reported correctly engrossed, read third time, and upon vote being taken, no quorum found present.

On motion of Mitchell, House adjourned.

CHAS. Z. POND,

Chief Clerk.

## FORTY-THIRD DAY.

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HOUSE OF REPRESENTATIVES,

Helena, Montana, February 16th, 1891.

House met pursuant to adjournment at 10 A. M.

Roll called—Quorum present.

Prayer by Chaplain.

Journal of thirty-ninth and fortieth days read and approved.

Communication from State Board of Examiners, in reference to claim of Geo. E. Boos, \$31.05.

Referred to Committee on Appropriations and Claims.

The following notices of introduction of bills were given, viz:

By Wallace:

Notice of a bill for an act entitled an act providing for an examination of the work of the Code Commission.

By Monteath:

*Mr. Speaker:* I hereby give notice that on to-morrow or some subsequent day I will introduce a bill for an act creating the office of Inspector of Mines, providing for his election and compensation, and for the appointment and compensation of the Deputy Inspector of Mines.

By Higgins:

*Mr. Speaker:* On to-morrow or some future day I shall introduce a bill for an act entitled, an act to compel railroad companies to fence rights of way.



Ways and Means Committee made following report:

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 26, being a bill for an act relating to the assessment of mortgages and other property, beg leave to report the bill back with the recommendation that the same be printed.

BEACH,  
Chairman.

Printing Committee made following reports:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following bills:

H. B. No. 2, an act relating to information in criminal cases, together with substitute for said H. B. No. 2.

H. B. No. 90, an act to fill vacancies occurring in the Legislative Assembly.

H. B. No. 36, an act concerning notaries' fees.

H. B. No. 44, an act to provide for the taking of depositions of persons imprisoned for the purpose of securing their testimony in criminal proceedings.

H. B. No. 81, an act relating to crimes against the elective franchise.

H. B. No. 60, an act to amend sections 1477, 1478, 1479, 1483, 1484, 1485, and 1486, of the fifth division of the Compiled Statutes of Montana, relating to the location and recording of mining claims.

HARDENBROOK,  
Chairman.

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following bills:

H. B. No. 6, an act to regulate contracts for underground labor, and to provide for the enforcement thereof.

H. B. No. 86, an act to provide for the incorporation, establishment, maintenance, management and support of the Montana School of Mines.

H. B. No. 87, an act to create the County of Teton, to define its boundaries and provide for its organization, and the election of officers thereof.

H. B. No. 94, an act to regulate railroad fares in Montana.

H. B. No. 95, an act relating to the duties of the Clerks of the Boards of County Commissioners in receiving notices of elections.

HARDENBROOK,  
Chairman.

H. B. No. 2 was placed on general orders.

On motion of Blakeley all absentees were excused.

H. B. No. 90, referred to Committee on Privileges and Elections.

H. B. No. 36, placed on general orders.

H. B. No. 44, placed on general orders.

H. B. No. 81, referred to Committee on Privileges and Elections.

H. B. No. 60, referred to Committee on Mines and Minerals.

H. B. No. 6, was placed on general orders.

H. B. No. 86, was referred to Committee on Education.

H. B. No. 87 was referred to Committee on Towns, Counties and Highways.

H. B. No. 94 was referred to Committee on Railroad and Transportation.

H. B. No. 95 was referred to Committee on Privileges and Elections.

Committee on Education made following report:

*Mr. Speaker:* Your Committee on Education to whom was referred Senate bill No. 5, entitled a bill for an act for the protection of the title to Montana school lands, have had the same under consideration and beg leave to report the same back with the following amendments, and recommend its passage as amended.

NORTON,  
Chairman.

H. B. No. 5 placed on general orders with amendments.

Committee on Towns, Counties and Highways made following report:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, have had under consideration H. B. No. 57, an act to amend sections 1809 and 1819, fifth division, compiled statutes of Montana, relating to roads and highways, report the same back to the House and recommend its passage.

BLAKELEY,  
Chairman.

H. B. No. 57 placed on general orders.

Committee on Appropriations and Claims; made the following report;

Helena, Montana, February 14th, 1891.

*Mr. Speaker:* Your committee on Appropriations and Claims, to which was referred H. B. No. 58, entitled a bill for an act to appropriate money for the executive, legislative and judicial departments for the fiscal years ending Dec. 1st, A. D. 1891, and December 1, A. D. 1892, begs leave to report that it has carefully considered the same and would recommend that the same do pass with the following amendments:

Amend by inserting between lines 35 and 36 of the printed bill,, the following words: "per diem of Lieutenant Governor, six hundred dollars."

Amend line 37 by striking out the words, four thousand," insert in lieu thereof the words, forty-two hundred."

Amend line 42 by striking out the words "thirty-two," and insert in lieu thereof the words, "twenty-six."

Amend line 43 by striking out the words "forty-two" and insert in lieu thereof the words "sixty-six."

Amend line 45 by adding after the word "dollars" the following words: "Including extra four dollars per diem allowed the Speaker."

Amend by striking out lines 46, 47 and 48.

Amend line 49 by striking out the words, "forty thousand seven hundred and forty dollars," and insert in lieu thereof the words, "forty-one thousand seven hundred and ten dollars."

Amend line 54 by striking out the word "sixteen" and insert in lieu thereof the word "thirteen."

Amend line 64 by striking out the words, "two thousand three hundred and ninety," and insert in lieu thereof the words, "three thousand and sixty."

A. M. DAY,  
BEACH.

H. B. No. 58 placed on general orders.

On motion of Blakeley, be made special order at 2 P. M.

Carried.

Committee on Enrollment made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report House Joint Memorial No. 2, concerning the Fort Shaw military reservation, correctly enrolled.

DAY,  
Chairman.

H. J. M. No. 2 was then signed by Mr. Speaker pro tem Humber in presence of the House.

Committee on Engrossment made the following report:

Helena, Montana, February 16th, 1891.

*Mr. Speaker:* Your Committee on Engrossment beg leave to report H. bills Nos. 37, entitled a bill for an act entitled an act amending section 92, fourth division of the compiled statutes of Montana, relating to embezzlement, and No. 39, entitled a bill for an act entitled an act to provide an index to district court records, are correctly engrossed.

Respectfully,  
KEMPLAND,  
Chairman.

Judiciary Committee made the following report:

Majority report of Judiciary Committee.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House bill No. 18, a bill for an act to create the ninth judicial district, and House bill No. 104, a bill for an act to create the 11th judicial district, beg leave to report the same to your honorable body with the recommendation that the bills as presented do not pass, basing their recommendation upon the following grounds:

First. From the statistics submitted to your committee to support the claim that a separate judicial district is essential for these two counties of Gallatin and Cascade, to enable them to transact their business expeditiously in court, your committee does not find that there are any unusual number of cases pending upon the calendar of each court; but being aware that even when calendars are up to date there are always more or less cases pending therein, your committee believes that under the terms of court allowed by law to these counties within their districts, the business could be expeditiously disposed of.

Second. For the reason that there does not appear to have been any falling behind in the business since the State was admitted to the Union in either of these counties.

Third. For the reason that there does not appear to have been any complaint of overwork emanating directly from either of the judges within the districts in which these two counties lie.

Fourth. For the reason that your committee, if there were to be a change in districts, would regard it much fairer to join Gallatin and Jefferson in a District, and Madison and Beaverhead in a district, and Park and Meagher in a district, than to leave matters as they now are and give Gallatin County a separate district.

W. WALLACE, JR., Chairman.

FRANK G. HIGGINS.

CHAS. M. CRUTCHFIELD.

JOHN R. BARROWS.

C. H. LOUD.

E. H. GOODMAN.

Minority reports on H. B. Nos. 18 and 104.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House bills Nos. 18 and 104, a bill for an act to create



the Ninth Judicial District, State of Nontana, and a bill for an act to create the eleventh judicial district of the State of Montana, and to provide for its organization, beg leave to report to your honorable body without recommendation.

R. H. HOWEY.

Reports received and bills referred to Printing Committee.

The following introduction of bills:

By Beach, H. B. No. 119:

A bill for an act to provide for the selection and conveyance of indemnity school lands and of certain public lands donated to the State of Montana by the United States for various public buildings and institutions and to pay the necessary expenses thereof.

Read first and second times.

Referred to Committee on Printing.

By Committee on Appropriations and Claims:

H. B. 120:

A bill for an act appropriating money for the relief of A. C. Witter and others.

Read first and second times.

Referred to Committee on Printing.

By Beach, Chairman of Ways and Means Committee.

H. B. 121:

A bill for an act to provide for the support of the State government for the fiscal years of 1891 and 1892.

Read first and second times.

Referred to Printing Committee.

By Woodson, H. B. No. 122:

A bill for an act to provide for the incorporation of mortgage and loan companies.

Read first and second times.

Referred to Printing Committee.

By Phillips, H. B. No. 123:

A bill for an act to amend sections 20 and 26 of an act to amend military matters.

Read first and second times.

Referred to Printing Committee.

The following communication was received from the Senate:

SENATE CHAMBER,  
Helena, Montana, February 16, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to advise your honorable body that the following bills have passed the Senate.

Senate bills Nos. 11, 13, 14, 18, 25, 29 and 31 and are herewith transmitted.

Very respectfully,  
JNO. J. FALLON,  
Secretary.

Committee on Judiciary made the following reports:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred Senate Bill No. 1, a bill for an act to provide for the holding of regular sessions of the Supreme Court, beg leave to report to your honorable body with the recommendation that it do pass.

W. WALLACE, JR.,  
Chairman Judiciary Committee.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House bill No. 1, a bill for an act entitled an act to provide for an additional judge of the district courts in the first and second judicial districts of the State of Montana, beg leave to report the same to your honorable body with the recommendation that it do pass.

W. WALLACE JR.,  
Chairman Judiciary Committee.

Reports received.

H. B. No. 1 referred to Printing Committee.

Senate bill No. 18, by Baylies:

A bill for an act to amend an act entitled an act to provide for the payment of bounties for the killing of certain stock destroying animals, approved February 20, 1889.

Read first and second times.

Referred to Committee on Agriculture and Stockgrowing.

Senate bill No 29:

An act to declare the first Monday of September in each year to be a legal holiday, to be known and designated as Labor Day.

Read first and second times.

Referred to Committee on Labor.

On motion of Greenough, House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

As per notice, House resolved itself into Committee of the Whole to take under consideration H. B. 58.

Committee of Whole arose.

Mr. Speaker pro tem in the chair.

Mr. Blakeley, Chairman Committee of the Whole asked further time to make report.

On motion of Toole, House resolved itself into Committee of the Whole for consideration of H. B. 72, 76, 62.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Goodman, Chairman, asked further time to make report.

Communication from State Board of Examiners:

Helena, Montana, February 16th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

In the discharge of our duties as the State Board of Examiners we find 471 claims against the State for killing wild animals, usually known as bounty claims, amounting in the aggregate to about the sum of 12,000.00 dollars.

That these claims in the main are owned and held by persons residing in different and remote parts of the State, and none of which are verified in the manner required by an act to prescribe the duties of the State Board of Examiners.

It is impossible to have said claims verified in the manner required by law and transmitted to the Legislature of this session.

We are informed and believe that many of these claims are owned and held by citizens of the State who can ill afford to wait two years longer for their money. In view of these facts, we respectfully recommend that the sum of 12,000.00 dollars, or so much thereof as may be necessary, be appropriated to pay the bounty claims now pending before the State Board of Examiners, and that the Board be authorized to consider the same whenever they shall have been properly verified as required by section 6 of said act to prescribe the duties of the State Board of Examiners; otherwise the same will necessarily have to be deferred for the period of two years.

JOS. K. TOOLE, Chairman.

H. J. HASKELL.

L. ROTWITT, Secretary.

Members State Board of Examiners.

Becker, Chairman of Engrossment, reported S. J. M. No. 4 as correctly enrolled.

Mr. Speaker notified House he was about to sign S. J. M. No. 4, and signed the same in the presence of the House.

The following petition introduced by Mitchell:

Helena, Montana, February 15th, 1891.

*Mr. Speaker:* I desire to introduce petition signed by 434 residents and tax payers of the west portion of Choteau County, praying for a division of said Choteau County and the creation by your honorable body of a new county to be called Teton County.

Signed by Jacob Schmidt and 433 others.

Printing Committee made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following:

H. B. No. 17:

An act establishing the office of State Inspector of illuminating oils, fixing the mode of appointment, the fees for inspection, the State Inspector and the compensation of deputies and the penalties for violating any of the provisions of this act.

Together with amendments offered to H. B. No. 17.

H. B. No. 13:

An act to provide for the appointment and prescribe the duties of a State Examiner for the State of Montana.

Together with majority and minority report of the Committee on State Boards on said H. B. No. 13.

H. B. No. 14, and substitute therefor:

An act defining the powers and prescribing the duties of additional district judges.

H. B. No. 20:

An act prohibiting trusts.

Sub. for H. B. No. 35:

An act prescribing when laws shall take effect.

H. B. No. 42:

An act relating to official ballot boxes.

H. B. No. 50:

An act continuing the code commission and amending an act of the Sixteenth Legislative Assembly of the Territory of Montana, approved March 14th, 1889, entitled an act to provide for the appointment of a commission to codify the criminal and civil law and procedure and to revise, compile and arrange the statutes laws of Montana.

H. B. No. 93:

An act to repeal section 5 of an act providing compensation for county officers, approved March 14th, 1889.

H. B. No. 96:

An act to protect keepers of hotels, inns, boarding or eating houses.

H. B. No. 97:

An act to allow Armistead H. Mitchell and Charles F. Mussigbrod interest upon their claim against the State of Montana for the care and maintenance of the insane.

H. B. No. 103:

An act appropriating certain money for the care and maintenance of the insane.



H. B. No. 106:

An act to prescribe the compensation and mileage of members of the legislative assembly.

HARDENBROOK,  
Chairman

H, B. Nos. 17, 13 and 14 placed on general orders.

Blakeley, Chairman Committee of the Whole made following report:

*Mr. Speaker:* Your Committee of the "Whole, having had under consideration H. B. No. 58, beg leave to report the same back, amended so as to read as follows: "and that clerk of committee correct year 1892 so as to correspond with 1891," and as amended do recommend it do pass.

Very respectfully,  
C. P. BLAKELEY,  
Chairman.

H. B. No. 58—Introduced by Committee on Appropriations:

A bill for an act to appropriate money for the executive, legislative and judicial departments for the fiscal years ending December 1st, A. D. 1891 and December 1st, A. D. 1892.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated for the objects hereinafter expressed, for the fiscal year ending December 1st, A. D. 1892, and, for the fiscal year ending December 1st, A. D. 1892 respectively:

For the fiscal year ending December 1st, A. D. 1891.

#### EXECUTIVE DEPARTMENT.

Salary of governor, five thousand dollars.

Salary of secretary of State, three thousand dollars.

Salary of attorney general, three thousand dollars.

Salary of State treasurer, three thousand dollars.

Salary of State auditor, three thousand dollars.

Salary of superintendent of public instruction, twenty-five hundred dollars.

Governor's secretary, twelve hundred dollars.

Governor's office (annual appropriation,) including janitor's fees and furniture, five hundred dollars.

Secretary of State, clerk hire, twelve hundred dollars.

Secretary of State, office expenses, including janitor's fees and furniture, five hundred dollars.

Attorney general's office expenses, including janitor's fees and furniture, two hundred and fifty dollars.

State treasurer, clerk hire, three hundred dollars.

State treasurer's office expenses, including janitors's fees and furniture, two hundred and fifty dollars.

State auditor, clerk hire, twelve hundred dollars.

State auditor's office expenses, including janitor's fees and furniture, two hundred and fifty dollars.

Superintendent of public instruction, traveling expenses, five hundred dollars.

Office expenses of superintendent of public instruction, including janitor's fees and furniture, two hundred and fifty dollars.

Rent for State offices, three thousand dollars.

Requisitions, one thousand dollars.

Rewards, two thousand dollars.

Total amount appropriated for the Executive Department, thirty-one thousand nine hundred dollars.

#### LEGISLATIVE DEPARTMENT.—SENATE.

Per diem of sixteen members, at six dollars per day for sixty days, five thousand seven hundred and sixty dollars.

Per diem of lieutenant governor, six hundred dollars.

Mileage of lieutenant governor and members, one thousand and thirty dollars.

Officers and employees, forty-two hundred dollars.

Rent of assembly room, five hundred and fifty dollars:

Incidentals, five hundred dollars.

#### HOUSE.

Per diem of fifty-five members, at six dollars per day for sixty days, nineteen thousand eight hundred dollars.

Mileage of members, twenty-eight hundred and twenty-five dollars.

Officers and employes, fifty-six hundred dollars.

Rent of assembly room, three hundred dollars.

Incidentals, eight hundred dollars, including extra four dollars per diem allowed the speaker.

Total appropriated for the legislative department, forty-one thousand nine hundred and sixty-five dollars.

#### JUDICIARY DEPARTMENT.

Three justices of the supreme court, four thousand dollars each.

Eight district judges, thirty-five hundred dollars each.

Rent for offices for justices of the court, eighteen hundred dollars.

One half salaries of county attorneys, thirteen thousand dollars.

Office expenses of each justice, including furniture and janitor's fees, one hundred and thirty-three dollars and thirty-three cents.

Office expense of clerk of supreme court, two hundred and fifty dollars.

Total amount appropriated for the judicial department, fifty-five thousand four hundred and forty dollars; and total amount appropriated for all the above named departments for the fiscal year ending December 1st, 1891, one hundred and twenty-nine thousand three hundred and fifteen dollars.

For fiscal year ending December 1st, A. D. 1892, the same as the year 1891, as per instructions of the Committee of the Whole.

H. B. Nos. 20, 42, 50 and 36 placed on general orders.

H. B. No. 93 referred to Committee on Towns, Counties and Highways.

H. B. No. 96 referred to Committee on Incorporations and Manufactures.

H. B. Nos. 97, 103, 106 referred to Committee on Appropriations and Claims.

On motion of Wallace the rules were suspended and S. B. No. 14 read first and second times by title and referred to Judiciary Committee.

S. B. No. 11 was read first and second times by title and referred to Ways and Means Committee.

S. B. No. 21 read first and second times by title and referred to Judiciary Committee.

S. B. No. 25 read first and second times by title and referred to Committee on Agriculture and Stockgrowing.

S. S. for bill 13 read first and second times by title and referred to Committee on Education.

On motion of Thompson, recess was taken until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

H. B. No. 79 was read third time and put on final passage, and was passed by following aye and no vote:

Ayes—Barrows, Beach, Blair, Blakeley, Breen, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Harrington, Hoffman, Holter, Horsky, Kempland, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Poole, Roberts,

Schmidt, Toole, Twohy, Thompson, Wallace, Whaley, Wing, Woodson, and Mr. Speaker pro tem.—Total 35.

Noes—0.

H. B. No 78 was read third time and put on final passage and was passed by following aye and no vote:

Ayes:—Barrows, Beach, Blair, Blakeley, Breen, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harrington, Hastie, Hoffman, Holter, Horsky, Howey, Kemp-land, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Poole, Roberts, Schmidt Toole, Twohy, Thompson, Wallace, Whaley, Wing, Woodson, Mr. Speaker pro tem.—Total, 38.

Noes—0.

H. B. No. 37 was read third time and put on final passage by the following aye and no vote:

Ayes—Beach, Blair, Blakeley, Breen, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harrington, Hastie, Hoffman, Holter, Horsky, Howey, Kempland, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton Penrose, Poole, Roberts, Schmidt, Toole, Twohy, Thompson, Wallace, Whaley Wing, Woodson and Mr. Speaker pro tem.—Total 37.

Noes—0.

H. B. No. 39 was read third time and put on its final passage and passed by the following aye and no vote:

Ayes—Beach, Blair, Blakeley, Breen, Crutchfield, Day, Dusseault, Goodman, Greenough, Hardenbrook, Harrington, Hastie, Hoffman, Holter, Horsky, Howey, Kempland, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Poole, Roberts, Schmidt, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson and Mr. Speaker pro tem.—Total 37.

Noes—0.



Wallace moved that a committee of five be appointed to confer with the State Board of Examiners, in reference to appropriation bills.

The following committee was appointed in compliance therewith:

Wallace, Loud, Howey, Toole and Goodman.

Committee on Engrossment reported H. B. No. 74 correctly engrossed.

H. B. No. 74 was read third time and put upon its final passage, and passed by the following aye and no vote:

Ayes—Barrows, Blakeley, Breen, Day, Dusseault, Greenough, Hardenbrook, Harlan, Frank, Hastie, Hoffman, Holter, Horsky, Howey, Kempland, Mitchell, Moran, Newcomer, Norton, Penrose, Poole, Schmidt, Thompson, Waite, Whaley, Wing, Woodson:—Total 27.

Noes—Beach, Blair, Crutchfield, Harrington, McElwee, Monteath, Roberts, Twohy, and Mr. Speaker pro tem—Total 9.

On motion of Beach, H. B. No. 11 was made special order for to-morrow at 3 P. M.

On motion of Howey, House resolved itself into Committee of the Whole for consideration of H. B. Nos. 23, 21, 5 and substitute.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Harlan, Chairman Committee of the Whole, made following report:

*Mr. Speaker:* Your Committee of the Whole, who have had under consideration H. B. 23, beg leave to report back the same with recommendation that it do pass as amended. Also H. B.

No. 21, with the recommendation that it do not pass. Also. H. B. No. 5 and substitute, with recommendation that they be made special order for Tuesday, 17th inst., at 3 P. M.

HARLAN,  
Chairman.

On motion, report adopted.

H. B. No. 23 was referred to Engrossment Committee.

H. B. No. 5, and substitute, was made special order for Wednesday, 18th, at 2 P. M.

H. B. No. 6 was made special order for Thursday at 11 A. M.

Engrossment Committee made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report H. B. No. 58, entitled, an act to appropriate money for the Executive, Legislative and Judicial Departments for the fiscal years ending Dec. 1st, A. D., 1891, and Dec. 1st, 1892, correctly engrossed.

POOLE,  
Chairman pro tem.

On motion of Howey, H. B. No. 58 was read third time and placed on its final passage and passed by the following aye and no vote:

Ayes—Beach, Boardman, Blair, Blake, Blakeley, Breen, Crutchfield, Day, Eaton, Frank, Greenough, Hardenbrook, Harlan, Harrington, Hoffman, Hollywood, Holter, Horsky, Howey, McElwee, Mitchell, Moran, Monteath, Newcomer, Penrose, Poole, Roberts, Twohy, Thompson, Waite, Whaley, Woodson, and Mr. Speaker pro tem.—Total 33.

Noes—None.

On motion of Beach, House resolved itself into Committee of the Whole for consideration of H. B. Nos. 12 and 14.

Committee arose.

House resumed.

Mr, Speaker pro tem in the chair.

Erank, Chairman Committee of the Whole, asked for further time to report.

H. B. Nos. 12 and 54 were made special orders for to-morrow at 2 P. M.

On motion of Howey, House adjourned until 10 A. M. to-morrow.

CHAS. Z. POND,  
Chief Clerk.

## FORTY-FOURTH DAY.

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HOUSE OF REPRESENTATIVES,

Helena, Montana, February 17th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Barney excused.

Journal of the forty-second and forty-third day read and approved.

Petition presented by Harlan, signed by Wm. Wesley and thirty-seven others, referred to Committee on Public Lands.

The following notices for the introduction of bills were given:  
By Missoula County Delegation:

Helena, Montana, February 16th, 1891.

*Mr. Speaker:* On to-morrow or some future day we shall introduce a bill for an act entitled, an act to create the County of Flathead, to define its boundaries and provide for its organization, and the election of officers thereof.

BLAKE,  
T. L. GREENOUGH,  
W. B. HARLAN,  
HIGGINS,  
J. T. PHILLIPS,  
Missoula Co. Delegation.

By Poole:

*Mr. Speaker:* I will on to-morrow introduce a bill for an act concerning estrays, also a bill for an act to amend Sec. 719, Fifth Division, Compiled Statutes, relating to right of way of railroads.

Toole, Chairman Committee on Appropriations, made the following report:

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. 106, entitled an act to prescribe the compensation and mileage of members of the Legislative Assembly, ask leave to report the same back with the recommendation that it do pass:

TOOLE,  
Chairman.

H. B. No. 89 placed on General Order.

H. B. No. 106 placed on General Order.

H. B. No. 103 placed on General Order.

Woodson, Chairman Committee on Privileges and Elections, made the following report:

*Mr. Speaker:* We, your Committee on Privileges and Elections, having had under consideration H. B. No. 65, a bill for an act to prevent illegal voting at primary elections, beg leave to report the same back with the recommendation that it do pass.

WOODSON,  
Chairman Committee on Privileges and Elections.

H. B. No. 65 was placed on General Order.

Toole, Chairman Committee on Appropriations, made the following reports:

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 103, entitled an act appropriating certain money for the care and maintenance of the insane, ask leave to report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.



*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 89, entitled an act appropriating money to pay the salaries of officers and members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana, herewith report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

Wallace, Chairman on Judiciary, made the following reports:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 88, a bill for an act appropriating money for the benefit of the Montana Law Library, beg leave to report the same to your honorable body with the recommendation that it do pass.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

H. B. No. 88 placed on General Order.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred Senate Bill No. 31, a bill for an act authorizing the State Treasurer to make a transfer of certain funds, beg leave to report the same to your honorable body with the recommendation that it be referred directly to the Committee on Stock-growing and Agriculture, for the reason that it relates to a transfer of a portion of the stockgrower's fund in the State Treasury.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

Senate Bill No. 31 was referred to Committee on Agriculture and Stock Growing.

The following reports from the Judiciary Committee were read:

*Mr. Speaker:* The undersigned, a majority of your Committee on Judiciary, to whom was referred H. B. 56, a bill for an act to authorize married women to transact business in their own name as sole traders, beg leave to report the bill back with the following amendments:

Amend Sec. 2, page 2, line 19, by striking out the word "shall" and substituting the word "may" in lieu thereof.

Strike out all of said section after the word "Judge," in line 28 of page 2, up to and including the word "God" in line 10 of page 3, and that the following be inserted in lieu thereof: "Must require of the applicant an oath in writing to the effect that the application is not made for the purpose of delaying or defrauding any creditor of her husband," and as so amended do recommend that it do pass.

WM. WALLACE, JR.

FRANK G. HIGGINS.

J. R. BARROWS.

CHAS. M. CRUTCHFIELD.

C. H. LOUD.

E. H. GOODMAN.

*Mr. Speaker:* The undersigned, members of the Judiciary Committee, would beg leave to report on H. B. No. 56, entitled, a bill for an act to authorize married women to transact business in their own name as sole traders, that they have considered the same and would recommend that it do not pass.

R. H. HOWEY.

Reports filed.

H. B. No. 56 placed on General Order.

Printing Committee made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report the following bills as correctly printed:

H. B. No. 114—An act appropriating money for the relief of A. P. Brown for services rendered the State of Montana.

H. B. No. 113—An act appropriating money for the relief of Jessie P. Stafford for services rendered the State of Montana.

H. B. No. 3—An act fixing the number of members of the House of Representatives of the State of Montana, and the ratio of the same to population and apportioning the members among the counties of the State.

Sub. for H. B. No. 27—An act prescribing the compensation and duties of the Clerk of the Supreme Court and regulating fees.

H. B. No. 98—An act to provide for the establishment and incorporation of the Montana Medical College.

HARDENBROOK,  
Chairman.

H. B. No. 114 referred to Committee on Appropriations.

H. B. No. 113 referred to Committee on Appropriations.

H. B. No. 3 was placed on General Order.

H. B. No. 27 referred to Judiciary Committee.

H. B. No. 98 referred to Committee on Incorporations and Manufactures.

Goodman, Chairman Committee of the Whole, made the following report:

Helena, Mont., Feby. 16, 1891.

*Mr. President:* Your Committee of the Whole, having had under consideration H. B. Nos. 72, 76 and 62, beg leave to report that they recommend that H. B's. Nos. 72 and 76 do pass as read, and that H. B. No. 62 be amended as follows:

Committee amendments adopted:

Amend Section 12, line 58, by striking out the words "become due" and insert the words "be paid" in lieu thereof.

Amend line 28 by striking out the words "or more newspapers, at least five of which shall be" and insert in lieu thereof the word "newspaper" in line 28.

Amend by striking out the words, "and the first number of which newspapers showing" in line 29. Also strike out the word "published" in line 30, and recommend as amended do pass.

Very respectfully,  
E. H. GOODMAN,  
Chairman.

On motion of Loud, report was adopted.

H. B. Nos, 72, 76, 62 referred to Engrossment Committee.

Moran, Chairman Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the Whole having had under consideration House bill No. 46, report progress and ask leave to sit again.

MORAN,  
Chairman.

Wallace, Chairman of Select Committee, appointed to confer with Governor and Secretary of State in reference to appropriations, made verbal report to the House:

Frank, Chairman, Committee of the Whole, made the following report.

Helena, Montana, February 17, 1891.

*Mr. Speaker:* Committee of the Whole, having under consideration H. bills Nos. 12, and substitute for House bill No. 14, H. B. No. 12, entitled, an act for fixing compensation for the board of prisoners confined in county jails, and substitute for H. B. No. 14, for an act defining the powers and prescribing the duties of additional district judges, report progress on H. B. No. 12, and ask leave to sit again, and that substitute to H. B. No. 14 pass as read.

FRANK,  
Chairman.

On motion of Frank, report adopted and H. B. No. 14 referred to Engrossment Committee.

The following bills were introduced:

By Higgins, H. B. No. 124:

A bill for an act entitled an act to create the office of county auditor.

Read first and second times.

Referred to Printing Committee.

By Goodman, H. B. No. 125:

A bill for an act to prohibit certain gambling games and the use of certain gambling devices and fixing penalties for violations thereof.

Read first and second times.

Referred to Printing Committee.

By Loud, H. B. No. 126:

A bill for an act appropriating money to pay the bounties upon certain stock destroying animals.

Read first and second times.

Referred to Printing Committee.

By Twohy, H. B. No. 127:

A bill for an act to establish a State insane asylum and to provide for the location of the same.

Read first and second times.

Referred to Printing Committee.

By Boardman, H. B. No. 128:

A bill for an act in relation to the exercises of the right of eminent domain by railroad corporations.

Read first and second times.

Referred to Printing Committee.

By Boardman, H. B. No. 129:

An act to amend sections 608 and 614 of the First Division, Code of Civil Procedure, being Title XV of the Compiled Statutes of 1887.

Read first and second times.

Referred to Printing Committee.

Committee on Railroads and Transportation were granted leave to introduce bills without previous notice.

On motion of Norton, House took a recess till 2 P. M.

2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

House Bills Nos. 54 and 12 being on special order for this 2 P. M., on motion of Loud said bills were taken up.

House resolved itself into Committee of the Whole for consideration of H. B. Nos. 54 and 12.



Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Loud, Chairman of Committee of the Whole, asked further time to make report.

On motion of Norton, House resolved itself into Committee of the Whole for consideration of H. B. No. 11.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Harlan, Chairman Committee of Whole, having had under consideration H. B. No. 11, reported progress and asked for further time to make report.

Loud, Chairman Committee of Whole, made following report.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. Bills Nos. 54 and 12, beg leave to report that H. B. No. 54 be amended as follows, and recommend as amended that it do pass.

Amend Sec. 2, line 17, by striking out the fourth last word on said line, and insert in lieu thereof the word "of."

Amend Sec. 2, line 15, by inserting the word "mules" after the word "horses."

Amend Sec. 2, line 17, by changing the sentence, "at the nearest station house of" to "at the station house nearest to."

Amend Sec. 2, line 15, by striking out the word "or" before the word "hogs" and add after the word "hogs," "or any other valuable animals."

Amend Sec. 2, line 16 of printed bill by striking out the word "or" between the words "conductor" and "engineer," and insert the word "and."

Amend Sec. 3, line 24, by striking out the word "if," also line 25 by striking out the words, "shall be caught mutilating, disfiguring, burning, hauling off, or burying," and substitute in lieu thereof the words, "who shall mutilate, disfigure, burn, haul off or bury."

Amend Sec. 3, line 25, strike out the word "and" where it first occurs in said line and insert the word "or" in lieu thereof.

Amend Sec. 3, line 27, of printed bill, by adding after the word "neighborhood," the words, "not in the employ of the Railroad Co."

Amend Sec. 3, line 26, by inserting "or wounded" after the word "killed." Strike out the word "carcass" and insert the word "animal."

Amend by adding after word "thereto," on line 12, the following, "provided that if the R. R. Co. shall have tendered within thirty days after said notice a sum equal to or greater than the value of the stock killed, as the same may be afterwards determined in Court, such owner shall be entitled to receive the actual value."

Amend Sec. 3, line 29, by striking out the word "five" and inserting the word "one" in lieu thereof.

Amend Sec. 3, line 26, by striking out the word "shall" and insert the word "may" in lieu thereof, and recommend that H. B. No. 12 be passed as read.

Very respectfully,

C. H. LOUD,  
Chairman.

Report of Committee adopted.

House bills Nos. 54 and 12 referred to Engrossment Committee.

On motion of Thompson, House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

On motion of Frank, House took a recess for 15 minutes.

The following communications were received from the Senate:

## SENATE CHAMBER,

Helena, Montana, February 17, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the following bills have been introduced and notices of introduction given in the Senate.

By Baylies, S. B. No. 47:

A bill for an act to create the Tenth Judicial District of Montana and providing for its organization.

By Hennessy, S. B. No. 48:

An act to exempt from taxation certain property held by incorporated companies under the laws of the State of Montana, which company pay to their members and their families sickness and funeral benefits.

By Cardwell:

A bill to provide for a State Architect.

By Goddard:

A bill for an act to amend sections 62 and 431 of the Civil Procedure, relating to the change of place of trial.

Very Respectfully,

JNO. J. FALLON,

Secretary.

SENATE CHAMBER,

Helena, Montana, February 17th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that S. B. No. 7, and House bills No. 58, 74 and 79 have passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

On motion of Frank, House took a recess for 30 minutes.

House resumed.

Mr. Speaker pro tem in the chair.

Harlan, Chairman Committee of the Whole, made following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 11, report progress and ask leave to sit again upon the bill at 11 o'clock, Wednesday, February, 18th.

HARLAN,  
Chairman.

On motion of Dusseault, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FORTY-FIFTH DAY.

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HOUSE OF REPRESENTATIVES,

Helena, Montana, Feby. 18th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—quorum present.

Prayer by Chaplain.

Journal of forty-fourth day read and approved.

The following communications from the State Board of Examiners were read and referred to Committee on Appropriations and Claims:

Helena, Mont., Feby. 17, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the claim of Stockman's National Bank of Fort Benton, for \$3,263.50, which has been approved for the sum of \$3,263.50.

JOS. K. TOOLE, Chm.,

H. J. HASKELL,

L. ROTWITT, Secy.,

Members State Board of Examiners.



Helena, Mont., Feby. 17, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Helena Herald for \$432, which has been approved for the sum of \$296.

Jos. K. TOOLE, Chm.,

H. J. HASKELL,

L. ROTWITT, Secy.

Members State Board of Examiners.

Helena, Mont., Feby. 17, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the claim of Helena Journal for \$416, which has been approved for the sum of \$246.

Jos. K. TOOLE, Chm.,

H. J. HASKELL,

L. ROTWITT, Secy.,

Members State Board of Examiners.

Helena, Mont., Feby. 17, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of R. A. Luke & Co., for \$128, which has been approved for the sum of \$128,

Jos. K. TOOLE, Chm.,

H. J. HASKELL,

L. ROTWITT, Secy.,

Members State Board of Examiners.

Helena, Mont., Feby. 16, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the claim of Montana National Bank for \$6,956.80 which has been approved for the sum of \$6,956.80.

Jos. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROWITT, Secretary.

Members State Board of Examiners.

Helena, Mont. February 17, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the claim of W. G. Dougherty & Co., for \$423.80, which has been approved for the sum of \$423.80.

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary,

Members State Board of Examiners.

Helena, Mont., February 17, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the claim of L. F. La Croix for \$128, which has been approved for the sum of \$128.

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary,

Members State Board of Examiners

Helena, Mont., Feby., 17, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of J. R. Sanford, for \$897.40, which has been approved for the sum of \$897.40.

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary,

Members State Board of Examiners.

Helena, Mont., Feby. 17, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Win. H. De Lacy, for \$128, which has been approved for the sum of \$128.

JOS. K. TOOLE, Chm.,

L. ROTWITT, Secy.,

H. J. HASKELL,

Members State Board of Examiners.

Helena, Mont., March 11, 1891.

I hereby certify that I. L. Israel is entitled to the sum of one hundred and five dollars (\$105) out of any moneys in the State Treasury not otherwise appropriated. Said money is due and unpaid for rent of Clore Street Arsenal for quarter ending March 31, 1890.

[SEAL.]

E. A. KENNEY,

State Auditor.

State of Montana.

TO I. L. ISRAEL DR.

To rent of room for arsenal for January, February and March 1890.....\$105.00

The following communications from State Board of Examiners were read and referred to Judiciary Committee:

Helena, Montana, February 17th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Chas. M. Jefferis, Sheriff, for 1,287.00 dollars, which has been approved for the sum of \$1,054.00 dollars,

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

N. B.—We are in doubt whether any sum for boarding prisoners in excess of 5 days after sentence should be allowed, as there was no adjournment of court.

Jos. K. TOOLE, Chairman,  
H. J. HASKELL,  
L. ROTWITT, Secretary.

Helena, Montana, February, 17th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of John E. Lloyd, for seven hundred and sixty-six, dollars and ten cents, which has been approved for the sum of \$766.10.

J. K. TOOLE, Chairman.  
H. J. HASKELL,  
L. ROTWITT, Secretary.

Members of State Board of Examiners.

N. B.—We are in doubt whether any sum for boarding prisoners in excess of 5 days after sentence should be allowed as there was no adjournment of court.

J. K. TOOLE, Chairman  
H. J. HASKELL,  
L. ROTWITT, Secretary.

The Committee on Enrollment made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 58, an act to appropriate money for the executive, legislative and judicial departments for the fiscal years ending December 1st, A. D. 1891, and December 1st, A. D. 1892, correctly enrolled.

DAY,  
Chairman.

Mr. Speaker notified House he was about to sign H. B. No. 58, and sign same in presence of the House.

Mr. Clark presented protest in regards to H. B. No. 6, placed on file.

Committee on Printing made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following:

List of Members of House of Representatives.

H. B. No. 120—An act appropriating money for the relief of A. C. Witter and others.

H. B. No. 105—An act to provide for bonding the outstanding indebtedness of the City of Helena.

H. B. No. 99—An act to allow Thomas McTague and Frank Conley interest on their claim against the State of Montana, for the keeping and maintenance of State convicts.

H. B. No. 112—An act appropriating certain moneys to pay for the care and keeping of State convicts.

HARDENBROOK,  
Chairman.

H. B. No. 105 referred to Committee on Appropriations and Claims.

H. B. No. 99 referred to Committee on Appropriations and Claims.

H. B. No. 112 referred to Committee on Appropriations and Claims.

H. B. No. 120 was placed on General Orders.

Committee on Judiciary made the following reports:

Your Committee on Judiciary, to whom was referred Senate Bill No. 11, a bill to provide for advertising of bids for furnishing supplies to State officers and members of the Legislature, report the same back to your honorable body with the following amendment:

Change the title of bill so as to read as follows: "A bill for an act to provide for the advertising for and letting of contracts for the furnishing of halls, supplies and printing for the State Legislature and other departments of the State Government." And when so amended, your Committee recommends that the bill do pass.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.



Your Committee on Judiciary, to whom was referred Senate Bill No. 14, a bill to create the office of Marshal of the Supreme Court, etc, respectfully report the same back to your honorable body with the recommendation that it do pass.

WM. WALLACE, JR.,  
Chairman of Judiciary Committee.

S. B. No. 11 was placed on General Orders.

S. B. No. 14 was placed on General Orders.

The Committee on Appropriations and Claims made the following report:

HOUSE OF REPRESENTATIVES,  
Helena, Mont., Feby. , 1891,

*Mr. Speaker:* Your Committee on Appropriations and Claims, to whom was referred H. B. No. 113, concerning the appropriation of money for the relief of Jessie P. Stafford, and H. B. No. 114, concerning the appropriation of money for the relief of A. P. Brown, beg leave to report that they have had the same under consideration and report the said bills back with the recommendation that they do pass.

TOOLE,  
Chairman.

House Bills Nos. 113 and 114 were placed on General Orders.

The Committee on Incorporations and Manufactures, made the following report:

Helena, Mont., Feb. 18, 1891.

*Mr. Speaker:* Committee on Incorporations and Manufactures, to whom was referred H. B. No. 96, entitled an act to protect keepers of hotels, inns, boarding or eating houses, report favorably upon said bill and recommend that it do pass.

FRANK,  
Chairman.

H. B. No. 96 was placed on General Orders.

The Committee on Agriculture and Stock Growing made the following reports:

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred Senate Bill No. 18, for an act to amend an act entitled an act for the payment of bounties for the killing of certain stock destroying animals, approved Feb. 20, 1889, would report the same back, with recommendation that it do pass.

BURNS,  
Chairman.

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing to whom was referred Senate Bill No. 25, with reference to estrays on the public domain, have had the same under consideration and report the same back and recommend that it do pass.

BURNS,  
Chairman.

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 82, for an act entitled an act to protect the grasses and forests of the State from destruction by fire, have had the same under consideration and report the same back with recommendation that it do pass.

BURNS,  
Chairman.

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 28, for an act concerning cruelty to animals, providing penalties against persons who neglect or cruelly treat the same, have had the same under consideration and report the same back without recommendation, and refer the same to Printing Committee.

BURNS,  
Chairman.

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 66: For an act to protect certain squirrel and mice destroying animals, report the same back with the recommendation that the same do pass.

BURNS,  
Chairman.

S. B. No. 18 was placed on General Orders.

S. B. No. 25 was placed on General Orders.

H. B. No. 82 was placed on General Orders.

H. B. No. 28 was placed on General Orders.

H. B. No. 66 was placed on General Orders.

The Committee on Engrossment made the following report:

45th Day.

*Mr. Speaker:* Your Committee on Engrossment beg leave to report the following bills correctly engrossed:

H. B. No. 12—An act entitled an act fixing the compensation for the board of prisoners confined in county jails.

H. B. No. 23—Entitled, an act to repeal sections 252, 253 and 254 of the Fourth Division of the Compiled Statutes of Montana.

H. B. No. 62—Entitled, an act to provide for the care and keeping of the insane.

H. B. No. 72—Entitled, an act appropriating money for the support of the National Guard of Montana.

H. B. No. 76—Entitled, an act appropriating money to pay for the care, custody and maintenance of prisoners confined in the State prison.

KEMPLAND,  
Chairman,

H. Bills Nos. 12, 23, 62, 72, 76 placed on file for third reading.

Blakely, Chairman of Select Committee made the following report:

Helena, Mont., Feb. 17, 1891.

*Mr. Speaker:* Your Select Committee, to whom was referred H. B. No. 92, a bill for an act entitled an act to establish, locate and support certain State Institutions, have had the same

under consideration and report the same back to the House with the recommendation that it do not pass, and we further recommend that the location of any of the State Institutions be postponed until the next session of the Legislative Assembly.

All of which is respectfully submitted.

C. P. BLAKELY,  
Chairman.

Report adopted.

Phillips, Toole and Boardman were granted leave to introduce bills without previous notice having been given.

By Toole, H. B. No. 130:

A bill for an act to appropriate money for the ordinary expenses of the State government for the fiscal year ending Dec. 31st, A. D. 1891, and Dec. 31st, A. D. 1892.

Read first and second times.

Referred to Printing Committee.

By Poole, H. B. No. 131:

A bill for an act to amend Sec. 719 of the Fifth Division of the Compiled Statutes of Montana.

Read first and second times.

Referred to Printing Committee.

By Norton, H. B. No. 132:

A bill for an act to attach certain portions of the right of way of the Northern Pacific Railroad company and the Rocky Fork and Cooke City Railway company to Yellowstone county for purposes of taxation and for judicial purposes.

Read first and second times.

Referred to Printing Committee.

By Monteath, H. B. No. 133:

A bill for an act to create the office of inspector of mines and defines his duties.

Read first and second times.

Referred to Printing Committee.

On motion of Beach, special order was taken up and House resolved itself into Committee of the Whole for further consideration of H. B. No. 11.

House resumed.

Mr. Speaker pro tem in the chair.

A communication from the Senate was received.

House again resolved itself into a Committee of the Whole to further consider H. B. No. 11.

Committee arose.

Mr. Speaker pro tem in the chair.

Harlan, Chairman of Committee of the Whole reported progress and asked further time to make report.

On motion of Greenough, House took a recess till 2 P. M.

2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Committee on Enrollment made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 74, an act appropriating money to pay the expenses of the transportation, custody and maintenance of convicts confined in county jails. Also House bills No. 79, an act appropriating money to pay the expenses of the education and transportation of deaf mutes, feeble minded and blind children, correctly enrolled.

DAY,  
Chairman.

Mr. Speaker then informed the House that he was about to sign H. Bills Nos. 74 and 79, and signed the same in the presence of the House.

On motion of Howey, H. B. No. 5, and substitute, made special order for 2 P. M., was taken up and House resolved itself into Committee of the Whole for the consideration of the same.



Committee arose.

Blakely, Chairman of Committee of the Whole, reported progress and asked further time to make report.

On motion of Wallace, the rules were suspended and House proceeded to the consideration of General Orders.

Toole moved to amend that only appropriation bills be considered.

Amended by Wallace that H. B. No. 2 be incorporated in connection with appropriation bills.

Amended by Loud that H. B. No. 11 be incorporated in connection with the consideration of appropriation bills.

The motion, as amended, adopted.

House resolved itself into Committee of the Whole.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

A message was received from the State Board of Examiners.

A message was received from the Senate.

House resolved itself into Committee of the Whole for further consideration of H. B. No. 11.

House resumed.

Mr. Speaker pro tem in the chair.

A message was received from the State Board of Examiners.

House resolved itself into Committee of the Whole for consideration of H. B. No. 11.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Harlan, Chairman of Committee of the Whole, asked for further time to make report.

On motion of Greenough, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FORTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, Feb. 19, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of forty-fifth day read and approved.

The following petition, asking for the "repeal of the Sunday law, was presented, signed by A. M. Barnes and about 229 others, and referred to Committee on Privileges and Elections.

Harlan, Chairman Committee of the Whole, made the following report:

*Mr. Speaker:* Your Committee of the whole House, to whom was referred H. Bills Nos. 88, 89, 103, 113, 114, 120, 122, and substitute for No. 2 and No. 11, having had the same under consideration, beg leave to report as follows:

They report back H. B. No. 88, entitled, an act appropriating money for the Law Library of Montana, with the recommendation that it do pass without amendments.

They report back H. B. No. 89, an act appropriating money to pay the officers and members of the Senate and House of Representatives of the State of Montana for the first Legislative Assembly and the mileage of the members at said session, with the recommendation that the bill pass with the following amendments:

Amend section 1 by striking out the words and figures in line one, "sixty-one thousand five hundred and three dollars (\$61,503.00)" and insert in lieu thereof "forty thousand dollars (\$40,000.00).

Howey, to amend by adding the following section:

Section 2, that the following named officers and attaches be paid the sums set after their names out of sums appropriated in section 1:

Officers and attaches of the House of Representatives of the First Legislative Assembly of the State of Montana:

Blakley, C. P., Speaker.....	\$ 360 00
Witter, A. C., Speaker.....	360 00
Pond, Chas. Z., Chief Clerk.....	900 00
Webster, Benj., Clerk.....	900 00
Cooney, Ed., Assistant Clerk.....	630 00
Smith, A. C., Assistant Clerk.....	630 00
Finlan, Miles, Sergeant-at-Arms.....	720 00
Taylor, J. D., Sergeant-at-Arms.....	720 00
Green, Wm., Assistant.....	540 00
Gibbs, Chas. B., Assistant.....	540 00
Hocking, S. J., Chaplain.....	360 00
Webb, F. T., Chaplain.....	332 00
Warmington, Harry, Doorkeeper.....	540 00
Fortune, Vincent, Engrossing Clerk.....	540 00
Cook, W. M., Engrossing Clerk.....	486 00
Wells, Jas. B., Engrossing Clerk.....	54 00
Ryan, Emmett, Enrolling Clerk.....	540 00
Owen, E. T., Day Watchman.....	450 00
Hooper, B. F., Day Watchman.....	450 00
Sherman, Morgan, Night Watchman.....	450 00
Bleeker, G. M., Committee Clerk.....	185 00
Cunningham, Mrs. M., Committee Clerk.....	325 00
Evans, Mrs. E. E., Stenographer.....	325 00
Ryan, Felix, Page.....	360 00
Langhorne, Morris, Page.....	360 00
Cochran, Frank, Page.....	360 00
Pope, Wm., Page.....	88 00

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\$12,505 00

Officers and attaches of the Senate, First Legislative Assembly of the State of Montana:

Gilbert, Fred, Chief Clerk.....	\$ 900 00
Hoopes, P., Clerk.....	630 00
McGuirk, M., Sergeant-at-Arms.....	720 00
Kelly, J. T., Clerk.....	540 00
Berry, G. K., Chaplain.....	360 00
Paynter, W. S., Page.....	360 00
Jackson, R. A., Watchman.....	450 00
Brown, A. P., Clerk Judiciary Committee.....	75 00
Noonan, Anna, Clerk Ways and Means Committee.....	355 00
	<hr/>
	\$4,390 00

They report back H. B. No. 103, an act appropriating certain money for the care and maintenance of the insane, with the recommendation that it pass without amendments.

They report back H. B. No. 113, an act appropriating money for the relief of Jessie P. Stafford for services rendered the State of Montana, with the recommendations that it do pass.

They report back H. B. No. 114, an act appropriating money for the relief of A. P. Brown, for services rendered the State of Montana, with the recommendation that it do pass.

They report back H. B. No. 120, an act appropriating money for the relief of A. C. Witter and others, with the recommendation that it do pass.

They report back substitute for H. B. No. 2, a bill for an act relating to information in criminal cases, with recommendation that it pass without amendments.

They report that they have considered H. B. No. 11, an act concerning compensation of county, district and township officers, and report the same back with the recommendation that it do pass with amendments, which when incorporated in the bill make it to read as follows. to-wit:

H. B. No. 11, introduced by Ways and Means Committee, Chairman.

An act concerning compensation of county, district and township officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1. The fees, costs, percentages, allowances and all other perquisites of whatever kind which, by law, any sheriff, treasurer, county clerk, recorder clerk, or deputy clerk of the district court, assessor, county superintendent of common schools, in every county in the State, is or may hereafter be authorized to charge, receive and collect for any official service rendered by him or them, shall hereafter be received and collected by the said officers, respectively, to and for the sole use of the county treasuries of their respective counties, as public moneys belonging to said counties, and not otherwise, and shall be accounted for, and paid over as such, in the manner hereinafter provided: *Provided*, however, that nothing in this act shall be held to apply to the compensation received by the sheriff as mileage for actual and necessary traveling expenses in the performance of official duties for the board of prisoners.

Sec. 2. That the said officers named in section 1 of this act, shall be, and they are hereby classified according to the assessed valuation of their respective counties, as follows:

First class. The first class shall consist of the officers of all counties whose assessed valuation is nine million dollars or over.

Second class. The second class shall consist of the officers of all counties whose assessed valuation is four million dollars or over, and less than nine million dollars.

Third class. The third class shall consist of the officers of all counties whose assessed valuation is less than four million dollars.

SEC. 3. That the said officers named in Section 1 of this act shall each be allowed to receive an annual compensation for their services as officers of their respective counties, by classes as follows, to-wit:

First class:

Treasurer, three thousand, two hundred and fifty dollars.

Sheriff, four thousand dollars.

Assessor, twenty-five hundred dollars.

Clerk and Recorder, three thousand dollars.

Clerk of District Court, three thousand dollars.

County Attorney, two thousand five hundred dollars.

Superintendent of Common Schools, twelve hundred dollars.



## Second class:

Treasurer, three thousand dollars.

Sheriff, three thousand dollars.

Assessor, two thousand, five hundred dollars.

Clerk and Recorder, two thousand, five hundred dollars.

Clerk of District Court, two thousand dollars.

County Attorney, fifteen hundred dollars.

Superintendent of Common Schools, twelve hundred dollars.

## Third class:

Treasurer, twenty-two hundred dollars.

Sheriff, twenty-seven hundred dollars.

Assessor, eighteen hundred dollars.

Clerk and Recorder, twenty-two hundred dollars.

Clerk of District Court, fifteen hundred dollars.

County Attorney, twelve hundred dollars.

Superintendent of Common Schools, one thousand dollars.

The salaries herein provided for shall be paid to the respective officers quarterly out of the contingent fund in their respective county treasuries, upon a warrant of the County Commissioners, save and except County Attorneys, whose salaries shall be payable likewise quarterly, one-half from their respective counties upon the warrant of the County Commissioners, and the other one-half from the State Treasurer upon the warrant drawn against the State Treasurer, by the State Auditor, which last named warrant shall be drawn by the Auditor upon presentation of a certificate from the Board of County Commissioners of the respective counties, naming the amount for which the same shall be drawn; it being the true intent and meaning of this act to limit the maximum actual compensation from all sources, of the officers named under this act, to the sums named in this section, *Provided*, however that nothing in this act shall be held to apply to the compensation received by the Sheriffs as mileage for actual and necessary traveling expenses in the pursuance of official duties or for the board of prisoners.

SEC. 4. The maximum annual compensation which shall be allowed to any deputy or assistant employed to assist the officers named in Section 1 of this act, is hereby fixed and limited as follows:

First class:

Under Sheriff not to exceed eighteen hundred dollars.

Each Deputy Sheriff not to exceed twelve hundred dollars.

Deputy Clerk and Recorder not to exceed twelve hundred dollars.

Deputy Clerk of District Court not to exceed twelve hundred dollars:

Deputy Treasurer not to exceed twelve hundred dollars.

Deputy Assessor not to exceed twelve hundred dollars.

Second class:

Under Sheriff not to exceed fifteen hundred dollars.

Each Deputy Sheriff not to exceed nine hundred dollars.

Deputy Clerk and Recorder not to exceed twelve hundred dollars.

Deputy Clerk of the District Court not to exceed twelve hundred dollars.

Third class:

Under Sheriff not to exceed fifteen hundred dollars.

Each Deputy Sheriff not to exceed eight hundred dollars.

Deputy Clerk and Recorder not to exceed twelve hundred dollars.

Deputy Clerk of the District Court not to exceed twelve hundred dollars.

*Provided*, the whole number of assistants and deputies allowed the County Clerk and Recorder shall not exceed one for each three million or fraction thereof of assessed valuation, *Provided*, in no county shall the number exceed six deputies.

The whole number of deputies allowed the Clerk of the District Court shall not exceed six for counties of the first class, two for counties of the second class, and one for the counties of third class.

In counties having one District Judge, not to exceed one deputy for each six million or fraction thereof of assessed valuation.

In counties having more than one District Judge, not to exceed one deputy for each three million or fraction thereof of assessed valuation.

*Provided*, that in no county shall the number of deputies exceed four, and provided the whole number of deputies allowed the Treasurer of the first class shall not exceed one and one additional deputy during the months of October, November and December, and such other assistants as may be deemed necessary by County Commissioners, and no deputy shall be allowed Treasurers of second and third classes.

The Assessor in the first class shall be allowed one deputy for six months of the year, and additional deputy for first class shall receive a salary not to exceed one hundred dollars per month during the time of their services.

Number of deputies and their compensation allowed county officers within the maximum limits named in this act shall be determined by the Board of County Commissioners, the salaries herein provided for, or so much thereof as may be allowed shall be paid by warrant drawn on the Contingent fund of their respective counties in quarterly installments.

SEC. 5. Before the County Commissioners shall issue a warrant upon the County Treasurer to any deputy or other assistant for his compensation or salary, as prescribed in Section 6 of this act, said deputy or assistant shall sign a receipt and verify the same by oath or affirmation attached, which receipt and oath or affirmation shall be in the following form:

No.....

Received of the (here recite the County) by (here state name of party receiving salary or compensation) ..... dollars, in full for services as (here insert services) for ..... ending ..... A. D. 189..

.....

Name of party receiving same.

I hereby swear (or affirm) that I have rendered the services as herein stated, and that I have received the full sum set forth in the above receipt for my own use and benefit and that I have not paid, deposited, or assigned, nor contracted to pay, deposit, or assign any part of such compensation, for the use of any other

person, nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for any office, or the emoluments thereof.

.....

(Name of party.)

Sworn to and subscribed before me, this....day of.....  
189....

.....

(Signature of officer.)

And said receipt and oath or affirmation shall be preserved and filed by the County Clerk, and any willful, false swearing in connection with the foregoing oath will be deemed perjury and punished as such.

Sec. 6. Every sheriff, serving or executing any writ or other process in cases where any county or the state shall be liable for such services, and shall receive therefore his actual, reasonable and necessary expenses while in the performance of such duty, and such actual expenses shall be ascertained if a county demand, by the county commissioners, otherwise by the State Board of Examiners and paid out of the proper treasury; but the same shall not be paid until the sheriff serving or executing the writ or other process, shall make out a sworn statement in detail of the distance and route traveled, the place of starting, the name of the person or persons served with such writ or other process, what cases, if any, writs were charged mileage upon at the same time, and the amount of money actually paid as expenses, with vouchers for the same, and if the county commissioners of State Board of Examiners, as the case may be, after an examination of the same, shall find that the expenses are reasonable and the amount stated was actually paid, they may allow the same or any part thereof, in which event the amount so allowed shall be paid out of the proper fund of the proper treasury.

SEC. 7. Each justice of the peace shall be allowed a fee of one dollar at the commencement of any suit, civil or criminal, and five dollars additional for trying any case, and the same fees as are now or may hereafter be allowed by law to clerks of district



courts for like services: Provided, that not more than ten dollars shall be allowed for all services required by law in the progress of any suit, including final judgment. He shall be allowed for transcript on appeal, or otherwise, twenty cents per folio.

SEC. 8. The fees of constables shall be the same as those collected by sheriffs for similar services, but they shall in no case charge, or be allowed any fee for attendance on the court for the entry of any warrant or subpoena, separate or apart, from the fee allowed for a return, not (nor) for the discharge of any prisoner, nor shall he be allowed any mileage for any distance traveled less than one mile.

SEC. 9. That the fees and salaries in this act provided shall be all the compensation by law allowed such officers, for all services which they are required to or by law can perform as such officers. Any such officers who shall receive any fee, or reward, or salary not specifically provided for by law, shall be liable to the County, State or persons paying the same, for ten times the sum so paid to such officers, to be recovered by civil action, and shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one hundred nor more than five hundred dollars, and shall be imprisoned in the county jail for a term of not less than thirty nor more than ninety days.

SEC. 10. The Sheriff of the several Counties in this State shall, in all cases where any County or the State shall be liable for fees for the services of any process, make a detailed statement, showing the distance and route actually traveled, the place of the starting, and in what case or cases writs were served or mileage charged upon at such time, and upon failure to exhibit such statement, duly verified, the payment for the same shall be refused.

SEC. 11. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

BEACH,  
Chairman.



SEC. 12. This act shall take effect and be in force as to all the officers herein named, on the first Monday in January, 1893, except as to the County Treasurer, and as to the County Treasurer this act shall take effect and be in force from and after the first Monday in March, 1893.

FRANK,  
Chairman.

And they recommend that the bill, as amended, be ordered printed for the use of the members.

W. B. HARLAN,  
Chairman Com. of the Whole.

The following notices of the introduction of bills were given:  
By Hughes:

*Mr. Speaker:* On to-morrow or some future day I will introduce a bill for an act to establish a State Fish and Fishery Commission, etc.

By Hoffman:

*Mr. Speaker:* I hereby give notice that I will on to-morrow or some future day introduce a bill to amend Section 1353 of the Fifth Division, Compiled Statutes of Montana, relating to licenses.

By Frank:

Helena, Mont., Feby. 19, 1891.

*Mr. Speaker:* I will introduce a bill for an act entitled, an act for the preservation and protection of non-indigenous fish in the waters of Montana.

Printing Committee made the following report:

*Mr. President:* Your Committee on Printing beg leave to report as correctly printed the following bills:

H. B. No. 102:

An act to facilitate the recording of marks and brands.

H. B. No. 110:

An act to provide for the election of presidential electors.

H. B. No. 111:

An act to provide for the election of a representative in congress.

H. B. No. 121:

An act to provide revenue for the support of the government of the State for the fiscal years of 1891 and 1892.

HARDENBROOK,  
Chairman.

H. B. No. 102:

Referred to Committee on Agriculture and Stock Growing.

H. B. No. 121:

Referred to Committee on Appropriations and Claims.

H. B. No. 110:

Referred to Committee on Privileges and Elections.

H. B. No. 111:

Referred to Committee on Privileges and Elections.

Printing Committee made the following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following bills:

H. B. No. 119:

An act to provide for the selection and conveyance of indemnity school lands and of certain public lands donated to the State of Montana by the United States for various public buildings and institutions, and to pay the necessary expenses thereof.

H. B. No. 118:

An act concerning the assessment and collection of taxes.

H. B. No. 45:

An act to define the mode of procedure in relation to right of way for ditches, flumes or canals, for irrigating and other purposes.

H. B. No. 107:

An act to amend Section 1,560, Fifth Division, Compiled Statutes of Montana, relating to the appointment of notaries public.

H. B. No. 109:

An act to amend an act entitled an act to provide for the levy and assessment of property.

HARDENBROOK,  
Chairman.

H. B. No. 119 referred to Committee on Education.

H. B. No. 118 referred to Committee on Ways and Means.

H. B. No. 45 referred to Committee on Water Rights and Irrigation.

H. B. No. 107 referred to Committee on State Boards and Officers.

H. B. No. 109 referred to Committee on Ways and Means.

The Committee on Railroads and Transportation made the following report:

*Mr. Speaker:* Your Committee on Railroads and Transportation, to whom was referred House Bill No. 41, an act regulating the payment for labor done and materials furnished to railway corporations, beg leave to report a substitute therefor and recommend its adoption and passage.

BOARDMAN,  
Chairman.

H. B. No. 41 referred to Printing Committee.

Committee on Enrollment made the following report:

Feb. 18, 1891.

*Mr. Speaker:* Your Committee on Enrollment have this day presented to Governor Jos. K. Toole, for his approval, H. B. No. 58, an act appropriating money for the executive, legislative and judicial departments for the fiscal years ending Dec. 1st, A. D. 1891, and Dec. 1st, A. D. 1892, at 10:45 A. M.

Also H. B. No. 74, an act appropriating money to pay the expenses of the transportation, custody and maintenance of convicts confined in county jails.

And H. B. No. 79, an act appropriating money to pay the expenses of the education and transportation of deaf mutes, feeble minded and blind children, at 2.45 P. M.

DAY,  
Chairman.

The Committee on Education made the following report:

*Mr. Speaker:* Your Committee on Education, to whom was referred substitute for Senate Bill No. 13, entitled, a bill for an act to enable Universities and Colleges under the patronage of religious bodies to recognize (re-organize?) and change their corporate name, have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do pass.

NORTON,  
Chairman.

S. B. No. 13 was placed on General Orders.

The Committee on Engrossment made the following report:

Helena, Mont., Feb., 18, 1891.

*Mr. Speaker:* Your Committee on Engrossment beg leave to report back H. B. No. 14, entitled, Substitute for H. B. No. 14, a bill for an act entitled an act defining the powers and prescribing the duties of additional District Judges, and H. B. No. 54, entitled, an act requiring railroad companies to pay for damages to stock, as correctly engrossed.

WING,  
Temporary Chairman.

Committee on Labor made the following report:

*Mr. Speaker:* Your Committee on Labor have had under consideration Senate Bill No. 29, entitled an act to declare the first Monday of September in each year to be a legal holiday, to be known and designated as "Labor Day," and report the same back with the recommendation that it do pass.

BREEN,  
Chairman.

Committee on Appropriations and Claims made the following report:

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 97, recommend that the words "ten per

cent." where they occur in the bill be changed to "six per cent." and as so amended recommend that the bill do pass.

TOOLE,  
Chairman.

H. B. No. 97 placed on General Orders.

The Committee on Military affairs made the following report:

*Mr. Speaker:* Your Committee on Military Affairs, to whom was referred Senate Joint Memorial No. 3, relating to Brigadier General John Gibbon, respectfully report the same back with the recommendation that it do pass.

PHILLIPS,  
Chairman.

S. J. M. No. 3 was placed on General Orders.

Committee on Appropriations and Claims made the following report:

*Mr. Speaker:* Your Committee on Appropriations and Claims, to whom was referred H. B. No. 75, recommend that the words "seven thousand, two hundred" be stricken out and the words "six thousand" be inserted in lieu thereof, and as so amended recommend that it do pass.

TOOLE,  
Chairman.

H. B. No. 75 placed on General Orders.

On motion of Howey, House resolved itself into Committee of the Whole to have under consideration H. B. No. 6.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Loud, Chairman Committee of the Whole, reported progress and requested that Committee be allowed to sit on H. B. No. 6, when House resumed at 2 o'clock P. M.

Report adopted and request granted.

[ On motion of Greenough, House took a recess until 2 P. M.



2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

House resolved itself into Committee of the Whole for consideration of H. B. No. 6, as per order of the House.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Wallace moved to refer H. B. No. 11, to committee of three, with orders that when they return the same, they recommend to strike out Section 12.

Loud moves to table.

Carried by the following aye and no vote:

Ayes—Boardman, Blakeley, Cory, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Hollywood, Horsky, Howey, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Whaley, Wing, Mr. Speaker pro tem Humber—Total 29.

Noes—Barrows, Beach, Blair, Blake, Breen, Burns, Carney, Clark, Crutchfield, Day, Greenough, Hardenbrook, Harlan, Higgins, Holter, Hughes, Kempland, Mitchell, Toole, Twohy, Thompson, Wallace, Woodson.—Total 23.

Report of the committee was received and adopted by the following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blakeley, Burns, Carney, Cory, Dusseault, Eaton, Frank, Goodman, Harlan, Harrington, Hastie, Hoffman, Holter, Horsky, Howey, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Twohy, Whaley, Wing, Woodson, Mr. Speaker.—Total 37.

Noes—Blake, Breen, Clark, Crutchfield, Day, Greenough, Hardenbrook, Higgins, Hollywood, Hughes, Kempland, Mitchell, Toole, Thompson, Wallace—Total 15.

On motion of Greenough, House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Mr. Speaker pro tem notified the House that he was about to sign S. J. M. No. 5, S. J. M. No. 2, and signed the same in the presence of the House.

On motion of Frank, H. B. No. 11 was ordered engrossed for 3d reading.

The following communications from the State Board of Examiners, were read:

Helena, Montana, February, 18th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the claim of T. C. Power & Bro. for 2506.50 dollar, which has been approved for the sum of 2,469 dollars.

Jos. K. TOOLE, Chairman.  
H. J. HASKELL,  
L. ROTWITT, Secretary.

Members State Board of Examiners.

Referred to Committee on Appropriations and Claims.

Helena, Mont., February. 18, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Pierce Hoopes for four hundred and fifty dollars, which has been approved for the sum of \$450.

J. K. TOOLE, Chairman.

H. J. HASKELL,

L. ROTWITT, Secretary.

Members of State Board of Examiners.

Referred to Committee on Appropriations and claims.

Helena, Montana, February 18th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of F. K. Turner for \$12.25, which has been approved for the sum of \$12.25.

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

Referred to Committee on Appropriations and Claims.

Helena, Mont., Feby. 18, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the claim of Arthur O'Brien for \$22.36, which has been disapproved.

JOS. K. TOOLE, Chm.,

L. ROTWITT, Secy.,

H. J. HASKELL,

Members State Board of Examiners.

Referred to Committee on Appropriations and Claims.

H. B. No. 134, introduced by Boardman:

A bill for an act to establish a State Weather Service for Montana.

Read first and second times.

Referred to Printing Committee.

H. B. No. 135:

A bill for an act to amend an act to incorporate the City of Helena, approved Feby. 22d, 1881, and all acts amendatory thereto.

Read first and second times.

Referred to special committee of members from Lewis and Clarke County.

H. B. No. 136, by Committee on Military Affairs:

A bill for an act for the organization and discipline of National Guards of Montana.

On motion of Monteath, was laid on table.

H. B. No. 137, by Toole:

A bill for an act to allow the Journal Publishing Co. interest upon their claim against the State of Montana for the public printing and supplies furnished.

Read first and second times.

Referred to Printing Committee.

H. B. No. 138, by Harrington and Carney:

A bill for an act to locate, establish and endow a State Normal School.

Read first and second times.

Referred to Printing Committee.

H. B. No. 139, by Frank:

A bill for an act to amend Sections 1342, 1343, 1344, 1365, of the Fifth Division of the Compiled Statutes of Montana.

Read first and second times.

Referred to Printing Committee.

H. B. No. 140, by Blake, Greenough, Harlan, Higgins and Phillips:

A bill for an act to create the County of Flathead, to define its boundaries, and to provide for its organization and the election of officers thereof.

Read first and second times.

Referred to Printing Committee.

H. B. No. 141, by Toole:

A bill for an act to provide for the payment of all claims against the State, approved by the State Board of Examiners, and reported to the Second Legislative Assembly.

Read first and second times.

Referred to Printing Committee.

H. B. No. 142, by Frank:

A bill for an act to amend an act entitled an act to provide for the levy of taxes and assessment of property, approved March 14, 1889.

Read first and second times.

Referred to Printing Committee.

H. B. No. 143, by Higgins:

A bill for an act entitled an act to compel railroad companies to fence rights-of-way.

Read first and second times.

Referred to Printing Committee.

H. B. No. 144, by Howey:

A bill for an act to amend Chapter 33, Fifth Division, General Laws of Montana, entitled Building and Loan Associations.

Read first and second times.

Referred to Printing Committee.

The following messages were received from the Senate:

*Mr. Speaker:*

I herewith present to you for your signature, Senate Joint Memorial No. 5 and Senate Joint Resolution No. 2, the same having been signed by the President of the Senate.

BECKER,  
Chairman Senate Enrolling Committee.



Helena, Mont. February 16, 1891.

*Mr. Speaker, House of Representatives:*

I have the honor to inform your honorable body, that the following bills have been introduced in the Senate:

By Judiciary Committee, S. B. No. 43:

A bill for an act to fix the compensation of the members of the Legislative Assembly of the State of Montana.

By Judiciary Committee, S. B. No. 44:

A bill for an act to prescribe the number, duties and compensation of the officers and employes of each House of the Legislative Assembly.

By Matts, S. B. No. 45:

A bill for an act to establish, locate, maintain and govern the University of the State of Montana.

By Thompson, S. B. No. 46:

A bill to provide for a State Normal School at Livingston, Montana.

Very Respectfully,

JNO. J. FALLON,

Secretary.

Helena, Montana, February 16, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to return H. B. No. 8 with amendments, amendments certified to as requested by your honorable body.

Very respectfully,

JNO. J. FALLON,

Secretary.

Referred to Enrollment Committee.

Helena, Montana, February 16th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the following bills have passed the Senate:

Substitute S. B. No. 15, S. B. No. 21, 22, 26 and substitute S. B. No. 28, and are herewith transmitted.

Very Respectfully,  
JNO. J. FALLON,  
Secretary.

Helena, Mont., February 18, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B. No. 16, as amended Senate bills No. 6, and 16 and S. C. R. No. 3, have passed the Senate and are herewith transmitted.

Very respectfully,  
JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the following bills have been introduced in the Senate:

S. B. No. 49, by Cardwell:

A bill for an act to provide for a State Architect.

S. B. No. 50, by Buford:

An act to amend an act in relation to town and village sites and plats.

S. B. No. 51, by Thompson:

An act concerning that part of the Crow Indian Reservation adjoining to Park County.

S. B. No. 52, by Goddard:

For an act to amend sections 62 and 431, Code of Civil Procedure, of Compiled Statutes of Montana, relating to change of place of trial.

S. B. No. 53, by Matts:

A bill for an act entitled an act to provide for the examination of the work of the Code Commission.

S. B. No. 56, by Parberry:

A bill for an act to provide for and to regulate the registration of votes in cities and towns and in precincts having a voting population of two hundred and fifty.

Very Respectfully,

JNO. J. FALLON,

Secretary.

Helena, Mont., Feby. 18, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that S. B. Substitute No. 9, and H. Bills Nos. 37 and 39 have passed the Senate and are herewith transmitted.

Very Respectfully,

JNO. J. FALLON,

Secretary.

Helena, Mont., Feby., 19, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the following notices of the introduction of bills have been given in the Senate:

By Hedges:

A bill for an act to cede to the General Government jurisdiction over such grounds as may be needed for public buildings in any city or town in the State.

By Goddard:

A bill for an act to cure defects in conveyances of land.

Very respectfully,

JNO. J. FALLON,

Secretary.

Helena, Montana, Feby. 19, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B. No. 78 has passed the Senate and is herewith transmitted.

Very respectfully,

JNO. J. FALLON.

Secretary.

H. B. No. 78 referred to Enrolling Committee.

Helena, Mont., Feby. 19, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that Senate Bills Nos. 32, 40 and 41 and H. B. No. 9, as amended, have passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,  
Secretary.

MUSCATINE, Iowa, Feb. 15, 1891.

Hon. C. H. LOUD, Helena, Mont.:

DEAR SIR—I desire to express to you and through you to the special committee to report resolutions relative to the death of my brother, my most sincere thanks for your kind words and expressions of esteem.

The lingering and painful illness of his wife, her death, his sudden sickness and death, the two little girls bereft at once of both father and mother are events well calculated to stir the warmest and tenderest sympathies of the human heart. May I ask you to say to the House of Representatives of Montana, of which my brother, A. C., was a member, that these marks of respect accorded to his memory and the substantial generosity towards his orphan children fill my heart with the profoundest gratitude.

In behalf of his children I promise that this H. R. shall ever be kept green in their memories.

Most Respectfully,  
F. M. WITTER,

The preceding communication was read and ordered spread upon the Journal.

Third reading of House Bills.

H. B. No. 12, read third time, placed on final passage passed by following aye and no vote.

Ayes—Barrows, Beach, Boardman, Blake, Blair, Blakely, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton,

Frank, Greenough, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Hughes. Loud Mitchell, Newcomer, Norton, Penrose, Poole, Schmidt, Stebbins, Twohy, Waite, Wallace, Whaley, Woodson.—Total 38.

Noes—Breen, Goodman, Harrington, Hollywood, Lochray, McElwee, Monteath, Phillips, Toole, Thompson, Wing, Mr. Speaker pro tem Humber—Total 12.

H. B. No. 23, read third time and passed by following aye and no vote:

Ayes—Barrows, Blakely, Breen, Burns, Carney, Crutchfield, Day, Dusseault, Frank, Hardenbrook, Hastie, Higgins, Hollywood, Howey, Hughes, Humber, Lochray, Loud, McElwee, Mitchell, Monteath, Phillips, Penrose, Poole, Schmidt, Toole, Twohy, Thompson, Wallace, Whaley, Wing—Total 31

Noes—Beach, Boardman, Blair, Blake, Clarke, Cory, Goodman, Greenough, Harlan, Harrington, Hoffman, Holter, Horsky, Newcomer, Norton, Stebbins, Waite, Woodson—Total 18.

H. B. No. 76, read third time and passed by the following aye and no vote:

Ayes—Barrows, Beach, Blair, Blake, Blakely, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harlan, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, Loud, McElwee Mitchell, Monteath, Newcomer, Norton, Phillips, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Woodson, Boardman, Breen, Carney, Harrington, Higgins, Poole Wing, Speaker pro tem Humber—Total 47.

Noes—0.

Yeas—47.

H. B. No. 72, read third time and passed by the following aye and no vote.

Ayes—Barrows, Beach, Boardman, Blair, Blake, Breen, Clark, Cory, Crutchfield, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harrington, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips, Schmidt, Toole, Twohy, Thompson, Waite,



Wallace, Whaley, Woodson, Mr. Speaker pro tem Humber—  
Total 36.

Noes—Blakely, Burns, Carney, Day, Harlan, Hastie, Loud,  
Poole, Stebbins, Woodson—Total 10.

H. B. No. 62, read third time and passed by the following aye  
and no vote:

Ayes:—Barrows, Beach, Boardman, Blair, Blake, Blakely,  
Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault,  
Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington,  
Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky,  
Howey, Hughes, Lochray, Loud, McElwee, Mitchell, Monteath,  
Newcomer, Norton, Phillips, Poole, Schmidt, Stebbins, Toole,  
Twohy, Thompson, Waite, Whaley, Wing, Woodson, Mr.  
Speaker pro tem Humber—Total 47.

Noes—Wallace—Total 1.

Substitute for H. B. No. 14 read third time and passed by the  
following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakeley,  
Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Frank,  
Goodman, Greenough, Hardenbrook, Harlan, Hastie, Hoffman,  
Hollywood, Holter, Horsky, Howey, Hughes, Lochray, Loud,  
McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips,  
Poole, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite,  
Wallace, Whaley, Wing, Woodson and Mr. Speaker—Total 45

Noes—0.

H. B. No. 54 read third time and passed by following aye and  
nays vote:

Ayes—Beach, Boardman, Blair, Blake, Burns, Carney, Clark,  
Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Harden-  
brook, Harlan, Hastie, Hollywood, Holter, Horsky, Howey,  
Hughes, Humber, Lochray, Loud, McElwee, Mitchell, New-  
comer, Norton, Poole, Schmidt, Stebbins, Toole, Twohy,  
Waite, Wallace, Whaley, Woodson and Mr. Speaker—Total 38.

Nays—Barrows, Greenough, Hoffman, Monteath, Phillips,  
Thompson—Total 6.

H. B. No. 16. House concurred in Senate amendments by following aye and no vote.

Referred to Enrollment Committee.

Ayes—Barrows, Beach, Blair, Blake, Blakely, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Hastie, Hoffman, Hollywood, Holter, Horsky, Hughes, Lochray, Loud, McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Woodson and Mr. Speaker pro tem Humber—Total 42.

Noes—Carney—1.

Total 43; yeas 42, nays 1.

S. C. R. No. 3 read first and second times, placed on final passage and passed by following aye and no vote:

Title agreed to.

Ayes—Blake, Barrows, Beach, Boardman, Blair, Blakely, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray Loud, McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Woodson and Mr. Speaker pro tem Humber—Total vote, 44; yeas 44, nays 0.

H. B. No. 37 referred to Enrollment Committee.

H. B. No. 39 referred to Enrollment Committee.

On motion of Greenough, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 20th, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem Humber in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

The following communications were received from the State Board of Examiners:

Helena, Montana, February 18th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Inter-Mountain for 90 dollars, which has been approved for the sum of 90 dollars.

(Signed) Jos. K. TOOLE, Chairman,  
H. J. HASKELL,  
L. ROTWITT, Secretary,

Members State Board of Examiners.

Helena, Montana, February, 18th 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of First National bank of Helena for Five hundred and twenty-two dollars, which has been approved for the sum of \$522.00 dollars.

(Signed) Jos. K. TOOLE, Chairman.  
H. J. HASKELL,  
L. ROTWITT, Secretary.

Members State Board of Examiners.

Helena, Montana, February 19th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of I. G. Baker & Co. for \$2185.00 dollars, which has been approved for the sum of \$2185.00 dollars.

JOS. K. TOOLE, Chairman

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

Helena, Montana, February 19th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Gebhardt & Wagner for Thirty dollars, which has been approved for the sum Thirty dollars.

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary,

Members State Board of Examiners.

Helena, Mont., Feby. 19, 1891,

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of E. L. Flaherty for \$35.00 dollars, which has been approved for the sum of \$35.00 dollars.

JOS. K. TOOLE, Chairman

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

Helena, Mont., Feby. 18, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Merchant's National Bank for \$1,486.00 dollars, which has been approved for the sum of \$1,486.00 dollars.

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary,

Members State Board of Examiners.

Helena, Mont., Feby. 18, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of T. C. Power & Co. for \$450.00 dollars, which has been approved for the sum of \$450.00 dollars.

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT,

Members State Board of Examiners.

Helena, Mont., Feby. 19, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Clark, Conrad & Curtin for \$80.55 dollars, which has been approved for the sum of \$80.55 dollars.

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT,

Members State Board of Examiners



Helena, Mont., Feby. 19, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of B. F. O'Neal, Sheriff of Choteau County, for twenty-two hundred and forty-eight dollars, which has been approved for the sum of eighteen hundred and forty-three dollars.

Jos. K. TOOLE, Chairman,  
L. ROWITT, Secretary.  
H. J. HASKELL,

Members State Board of Examiners.

Helena, Mont., Feby. 19, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of A. P. Curtin for \$1,631.01 dollars, which has been approved for the sum of \$1,631.01 dollars.

Jos. K. TOOLE,  
H. J. HASKELL,  
L. ROTWITT.

Members State Board of Examiners.

Helena, Mont., Feby. 19, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Helena Independent for \$335.43 dollars, which has been approved for the sum of \$162.50 dollars.

Jos. K. TOOLE, Chairman,  
H. J. HASKELL,  
L. ROTWITT.

Members State Board of Examiners.

Helena, Montana, Feby. 19, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Steam Carpet Cleaning Company for \$9.60 dollars, which has been approved for the sum of \$9.60 dollars.

Jos. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

Helena, Mont. Feby. 19, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of B. F. Hooper for \$161.00 dollars, which has been approved for the sum of \$161.00 dollars

Jos. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

Helena, Mont., Feby. 19, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

In the foregoing accounts we find:

1st. That the services therein mentioned were actually rendered to the State.

2d. That such services were actually necessary.

3d. That the amount charged is reasonable.

4th. That the same is wholly unpaid, and

5th. We recommend that the same be paid.

Very Respectfully Yours,

Jos. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT.

Members State Board of Examiners.

Helena, Mont., Feb. 19, 1891.

*To the House of Representatives:*

I have approved the following bills:

H. B. No. 58—An act to appropriate money for the Executive, Legislative and Judicial Departments, for the fiscal years ending December 1st, 1891, and December 1st, 1892.

H. B. No. 74—An act appropriating money to pay the expenses of the transportation, care and custody of convicts confined in county jails.

H. B. No. 79—An act appropriating money to pay the expenses of the education and transportation of deaf mutes, feeble-minded and blind children.

JOS. K. TOOLE,  
Governor.

Frank presented petition of John R. Robinson and others, of Butte City, job and express men, asking for repeal of license on express and job wagons.

Blakely presented petition of M. J. Liddell, Joseph D. Radford, and others, citizens of Gallatin county, petitioning that Gallatin county be created a new and separate judicial district.

Penrose presented petition, signed by Simon Hauswirth and 940 others, asking for repeal of Sunday law.

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 112, entitled an act appropriating moneys to pay for the care and keeping of State convicts, herewith report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 73, ask leave to report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

H. B. No. 112 placed on General Orders.

H. B. No. 73 placed on General Orders.

*Mr. Speaker:* Your Committee on Engrossment beg leave to return House Bills Nos. 103, 113, 120, 114, appropriation measures, they being correctly engrossed.

WING,  
Temporary Chairman.

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 105, entitled an act to provide for bonding the outstanding indebtedness of the City of Helena, recommend that the words "seven per centum" in Section 2 be changed to "six per centum," and as so amended recommend that it do pass.

TOOLE,  
Chairman.

H. B. No. 105 placed on General Orders.

*Mr. Speaker:* We, your Committee on Privileges and Elections, having had under consideration House Bill No. 61, a bill for an act entitled an act to amend Section 1880 of the school laws of Montana, in relation to publishing notices, and the qualifications of electors at school elections, beg leave to report the same back with the following amendments, and recommend that the same do pass:

Amend Section 1, by striking out all of line 14 of printed bill after the word "election;" strike out lines 15 and 16; also, that part of 17 ending with the words "entitled to vote," substitute in lieu therefor, "any qualified voter under the Constitution of the State who is a property tax-payer and who has resided in the district six months next preceding the election, shall be entitled to vote."

Amend Section 1, line 23, by striking out the words "one year," and substitute therefor the words "six months."

Amend line 27, by inserting after the words "trustees shall" the words "have the same qualifications as electors," and

Amend title, by inserting between the words "of and electors" the words "trustees and."

JNO. A. WOODSON,  
Chairman Committee on Privileges and Elections.

H. B. No. 61 placed on General Orders.

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 99, entitled an act to allow Conley and McTague interest on their claim against the State, ask leave to report the same back without recommendation.

TOOLE,  
Chairman.

H. B. No. 99, placed on General Orders.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House Bill No. 64, beg leave to report the same to your honorable body, with the following amendments:

Amend Section one so as to read as follows:

SEC. 1 Every conveyance of real estate, and every instrument of writing setting forth an agreement to convey any real estate, which may be executed, proved, acknowledged and certified in the manner prescribed by law, shall, to operate as notice to third persons, be recorded in the office of the Recorder of the county in which such real estate is situated, but shall be valid and binding between the parties thereto without such record; *provided*, that the term "parties," as used in this section, shall not include either judgment or execution creditors.

Strike out Section 2 of said act, and as so amended your committee recommend the same do pass.

WALLACE,  
Chairman.

H. B. No. 64 placed on General Orders.

*Mr. Speaker:* Your Committee on Incorporations and Manufactures, to whom was referred H. B. No. 98, entitled a bill for an act to provide for the establishment and incorporation of the Montana Medical College, report that they recommend that the bill do not pass.

FRANK,  
Chairman.

H. B. No. 98 placed on General Orders.



*Mr. Speaker:* Your Committee on State Boards and Officers, to whom was referred H. B. No. 107, a bill for an act to amend section 1560, Fifth Division, Compiled Statutes of Montana, relating to the appointment of notaries public, would respectfully report the same back with the recommendation that it do pass.

WHALEY,  
Chairman.

H. B. No. 107 placed on General Order.

*Mr. Speaker:* Your Committee on Appropriation to whom was referred H. B. No. 121, entitled, a bill for an act to provide for the support of the State Government for the fiscal years of 1891 and 1892, ask leave to report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

H. B. No. 121 placed on General Order.

*Mr. Speaker:* Your Committee on State Boards and Officers, to whom was referred H. B. No. 84, a bill for an act entitled an act regulating the granting of pardons, commutations, respites and remissions, and prescribing the functions and duties of the Board of Pardons, have instructed me to report the accompanying substitute for said bill, with the recommendation that the same pass.

WHALEY,  
Chairman.

H. B. No. 84 placed on General Order.

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following bills:

H. B. No. 1:

An act to provide for an additional judge for the District Courts in the First and Second Judicial Districts of the State of Montana.

H. B. No. 32:

An act providing for the organization and government of irrigation districts and the sale of bonds arising therefrom.

H. B. No. 128:

An act in relation to the exercises of the right of eminent domain by railroad corporations.

H. B. No. 129:

An act to amend sections 608 and 614 of the first Division of the Code of Civil Procedure, being title 15 of the Compiled Statutes of Montana of 1887, entitled, of Eminent Domain.

H. B. No. 108:

An act to prescribe the number, duties and compensation of employees of the Legislative Assembly of the State of Montana.

HARDENBROOK,  
Chairman.

H. B. No. 1 placed on General Orders.

H. B. No. 32, on motion of Goodman, referred to special committee of seven. Goodman, Moran, Blair, Mitchell, Waite, Whaley.

H. B. No. 128 referred to Committee on Railroads and Transportation.

H. B. No. 129 referred to Committee on Railroads and Transportation.

H. B. No. 108 referred to Committee on Appropriations and Claims.

*Mr. Speaker:* Your Committee on Mines and Mining, to whom was referred H. B. No. 47, an act entitled an act regulating the mining of coal in the State of Montana, and for the better protection of employes of coal mines, do hereby report the same back with a recommendation that it do pass.

PENROSE,  
Chairman.

H. B. No. 47 referred to Committee on Printing.

*Mr. Speaker:* We, your Committee on Privileges and Elections, to whom was referred H. Bills Nos. 110 and 111,

No. 110, a bill for an act to provide for the election of presidential electors.

No. 111, a bill for an act to provide for the election of a representative in Congress.

beg leave to report back both of said bills with a recommendation that they do pass.

WOODSON,  
Chairman.

H. B. No. 110 placed on General Order.

H. B. No. 111 placed on General Order.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred House Bill No. 69, a bill for an act to amend an act entitled an act to regulate the practice of medicine in the State of Montana, and to provide for the examination and issuing of certificates to persons desirous of practicing the same and for the punishment of persons violating the provisions of this act, beg leave to report the same to your honorable body without recommendation.

WALLACE,  
Chairman.

H. B. No. 69 placed on General Orders.

*Mr. Speaker:* Your Committee on Federal Relations, having under consideration Senate Memorial No. 2, for the removal of the mineral restrictions upon school lands and the extension of the term of lease of the same, beg leave to report the same back to the House with recommendation that it do pass.

TWOHY,  
Chairman.

S. M. No. 2 placed on General Orders.

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 108, entitled an act to prescribe the number, duties, and pay of employes of the Legislative Assembly, herewith report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

H. B. No. 108 placed on General Orders.

*Mr. Speaker:* Your Committee of the Whole, to whom was referred H. B. No. 6, a bill for an act entitled an act to regulate contracts for underground labor and to provide for the enforcement of the same, have instructed me to report the bill back with the recommendation that it do not pass.

Respectfully submitted,

LOUD,  
Chairman.

Report of Committee on H. B. No. 6, adopted by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Carney, Clark, Cory, Crutchfield, Dusseault, Goodman, Hardenbrook, Greenough, Harlan, Harrington, Holter, Hughes, McElwee, Mitchell, Newcomer, Norton, Penrose, Poole, Toole, Twohy, Thompson, Waite, Wing, Woodson, Mr. Speaker pro tem Humber.

Noes—Breen, Burns, Day, Eaton, Frank, Hastie, Higgins, Hoffman, Hollywood, Horsky, Howey, Lochray, Loud, Moran, Monteath, Phillips, Roberts, Schmidt, Stebbins Wallace, Whaley.

Yeas—31.

Nays—21.

Total—52.

On motion, seconded by ten members, call of House ordered, roll called, following members not answering to their names:

Beach, Kempland.

Mr. Beach appearing on the floor of the House, on motion of Norton further proceedings under the call were dispensed with by following yea and nay vote:

Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole

Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total vote—52.

On motion of Hughes Kempland was granted leave of absence on account of sickness.

H. B. No. 19, 15 and 1, and S. B. No. 1, were made special orders for 3 o'clock P. M.

The following bills were introduced.

H. B. No. 145, by Hoffman:

An act entitled on act to amend Section 1,353 of Chapter — of the Compiled Statutes of Montana relating to licenses.

Read first and second times.

Referred to Printing Committee.

H. B. No. 146, by Wallace:

A bill for an act entitled an act to provide additional revenue for the support of the state Law Library.

Read first and second times.

Referred to Printing Committee.

H. B. No. 147, by Frank:

A bill for an act entitled an act for the preservation and protection of non-indigenous fish in the waters of Montana.

Read first and second time.

Referred to Printing Committee.

*Mr. Speaker:* I herewith present to you for your signature Senate Joint Memorial No. 6, the same having been signed by the President of the Senate.

BECKER,  
Chairman, Enrolling Committee.

Toole was granted leave of absence until 2 o'clock P. M. Monday.

On motion of Phillips, House took recess until 2 o'clock P. M.



2 P. M.

House resumed.

Mr. Speaker pro tem Humber in the chair.

Journal of forty-sixth day read and approved.

*Mr. Speaker House of Representatives:*

I am directed by the Senate to inform your honorable body that House bills Nos. 77, and 80 and Senate bills No. 37, 39 and 43 have passed the Senate and (are) herewith transmitted.

Very respectfully,

JOHN J. FALLON,

Secretary.

H. B. No. 77 referred to Engrossment Committee (Enrollment.)

H. B. No. 80 referred to Engrossment Committee (Enrollment.)

Thompson granted leave of absence until Monday. Paired with Carney.

Penrose granted leave of absence until Monday. Paired with Waite,

Toole and Greenough paired on location of public buildings and creation of counties.

S. B. No. 43 referred to Judiciary Committee.

H. B. No. 120 read third time and passed by following:

Ayes—Beach, Boardman, Blake, Blakely Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Frank, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins Twohy, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total 37.

Yeas—37.

Nays—0.

Mr. Speaker notified House that he was about to sign S. C. R. No. 3 and signed the same in presence of the House.

*Mr. Speaker:* Your Committee on Engrossment return herewith appropriation bills Nos. 88 and 89 as correctly engrossed.

WING,  
Temp. Chairman.

H. B. No. 89 read third time and passed by following yea and nay vote:

Ayes—Beach, Boardman, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Frank, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Twohy, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total votes 39.

Yeas—39.

Nays—0.

H. B. No. 9, with amendments from Senate, House refused to concur in.

On motion of Norton, conference committee appointed.

Messrs. Norton, Beach and Frank appointed as said committee, and Clerk instructed to notify Senate of same.

*Mr. Speaker:* I herewith submit to you for your signature, Senate Concurrent Resolution No. 3, the same having been signed by the President of the Senate.

BECKER,  
Chairman Enrolling Committee.

S. S. B. No. 15 read first and second times and referred to Judiciary Committee.

Speaker pro tem Humber notified the House he was about to sign S. J. M. No. 6, and signed same in presence of the House.

S. B. No. 21 read first and second time, referred to Committee on Agricultural and Stock Growing.

S. B. No. 22 read first and second time, referred to Committee on Towns, Counties and highways.

S. B. No. 26 read first and second times, referred to Committee on Military Affairs.

S. S. B. No. 28 read first and second times, referred to Committee on Education.

S. B. No. 9 read first and second time, referred to Ways and Means Committee.

S. B. No. 41 read first and second time, referred to Committee on Appropriations and Claims.

S. B. No. 40, read first and second time, referred to Committee on Public Lands.

S. B. No. 32 read first and second time, referred to Committee on Incorporations and Manufactures.

S. B. No. 29 read first and second time, referred to Committee on Labor.

H. B. No. 83 read third time and placed on final passage by following yea and nay vote:

Ayes—Beach, Blake, Blakely, Burns, Carney, Clark, Cory, Day, Dusseault, Frank, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Roberts, Schmidt, Stebbins, Twohy, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total 37.

Noes—Poole—1.

Total—37.

Yeas—36.

Nays—1.

H. B. No. 103 read third time and placed on final passage by following aye and nay vote:

Ayes—Barrows, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Frank, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, McElwee, Mitchell, Moran, Newcomer, Norton, Poole, Roberts, Schmidt, Stebbins, Twohy, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total vote 37.

Yeas—37.

Nays—0.

H. B. No. 113 read third time and placed on final passage by following yeas and nays vote:

Beach, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Frank, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Twohy, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total vote 38.

Yeas—38.

Nays—0.

H. B. No. 114 read third time and passed on final passage by following yeas and nays vote:

Ayes—Beach, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Greenough, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Twohy, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total 36.

Yeas—36.

Nays—0.

Loud introduced the following resolution:

*Mr. Speaker:* WHEREAS, inasmuch as the forty-seventh day of the first session of the Second Legislative Assembly has arrived, and very little in the way of enacting necessary laws has been accomplished, now therefore, be it *Resolved*, that the Speaker appoint a committee, consisting of one member from each county to examine the general orders and report the titles of bills that are of the most importance to the welfare of the State, and to arrange the same upon general orders in accordance with their judgment, giving preference in the order of their importance.

Resolution adopted and following committee appointed:

Frank, Hardenbrook, McElwee, Hastie, Newcomer, Goodman, Wing, Moran, Twohy, Mitchell, Higgins, Norton, Carney, Beach, Eaton, Barrows.

On motion of Day House resolved itself into Committee of the Whole for the consideration of H. B, No. 19, S. B. No. 1, H. B. No. 1, H. B. No. 15.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Beach Chairman Committee of the Whole, asked for further time to make report.

On motion of Blakely House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem Humber in the chair.

Communication from the Senate:

*Mr. Speaker, House of Representatives;*

I am directed to inform your honorable body that H. B. No. 103 and S. B. No. 44 have passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON.

Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the President of the Senate has appointed Senators Thornton, Hennessy, and Hedges a committee to confer with the House Committee on Senate amendments to House Bill No. 9.

Very respectfully

JNO. J. FALLON,

Secretary.



*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body, that bills were introduced in the Senate as follows:

S. B. No. 57, by Hedges:

An act giving the consent of the State of Montana to the purchase by the United States of land, in any city or town of the State, for the purpose of United States court houses, postoffices, and for other purposes.

S. B. No. 58, by Goddard:

A bill for an act to cure defects in conveyance of land.

Very respectfully,

JNO. J. FALLON,  
Secretary.

Following bills were introduced without previous notice:

H. B. No. 148, by Howey:

A bill for an act appropriating certain money for the relief of R. G. Humber.

Read first and second times and referred to Printing Committee.

H. B. No. 149, by Ways and Means Committee:

A bill for an act to appropriate money for the building of a State's prison.

Read first and second times.

Referred to Printing Committee.

H. B. No. 150, by Barrows:

A bill for an act appropriating money for the relief of H. R. Comly and others.

Read first and second times.

Referred to Printing Committee.

Day moved that House resolve itself into Committee of the Whole for the consideration of House Bills No. 44, 108, 110, 111, 112.

Committee arose.

House resumed.

Mr. Speaker pro tem Humber in the chair.

Woodson, Chairman Committee of Whole, asked leave for further time to report.

Blakely, Chairman Committee of the Whole, asked for further time to report.

Beach, Chairman Committee of the Whole, made following report:

*Mr. Speaker:* Your Committee of the Whole House, to whom was referred House Bill No. 1 and Senate Bill No. 1, have had the same under consideration and instructed me to report the same back to the House with recommendation they do pass without amendment.

BEACH,  
Chairman.

Committee on Enrollment made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 16, an act providing for the submission to the qualified electors of the State an amendment to the Constitution fixing the terms of County Commissioners, also

H. B. No. 39, an act to provide an index to District Court records.

H. B. No. 8, an act requiring certain County and district officers to report the fees and emoluments received by them to the County Commissioners and requiring County Clerks to report the substance thereof to the State Auditor and for the publication of the same.

H. B. No. 75, an act appropriating money to pay the salary, traveling and office expenses of the Veterinary Surgeon.

H. B. No. 37, an act amending Section 92, Fourth Division of the Compiled Statutes of Montana, relating to embezzlement,

Correctly enrolled.

DAY,  
Chairman.

Mr. Speaker pro tem Humber gave notice he was about to sign House Bills Nos. 16, 39, 8, 78, 37 and signed the same in presence of the House.

Dusseault and Monteath granted leave of absence until Monday.

On motion of Greenough, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FORTY-EIGHTH DAY.

## HOUSE OF REPRESENTATIVES,

Helena, Montana, February 21, 1891.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem Humber in the chair.

Roll called—quorum present.

Prayer by Chaplain.

By unanimous consent, Beach allowed to introduce bill before reading of Journal.

H. B. No. 151, by Beach, read first and second times.

Referred to Printing Committee.

Reading of Journal.

Journal approved.

Petition, by Hughes, from Champion, in relation to establishing boundary between                      and Deer Lodge and Jefferson, referred to Committee on Towns, Counties and Highways.

Petition presented by Hollywood, from Robinson, Castle Mountains, signed by Floyd Cannon and forty others, asking for repeal of Sunday law, placed on file.

Committee on Military made following report:

*Mr. Speaker:* Your Committee on Military Affairs, to whom was referred Senate Bill No. 26, relating to selling Indians fire-arms, ammunition, etc., respectfully report the same back with the recommendation that it do pass.

PHILLIPS,  
Chairman.

S. B. No. 26 placed on General Orders.

Committee on Printing made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following bills:

H. B. No. 132—An act to attach certain portions of the right of way of the Northern Pacific Railroad Company, and the Rocky Fork and Cooke City Railway Company to Yellowstone County, for purposes of taxation and judicial purposes.

H. B. No. 123—An act to amend sections twenty and twenty-six of an act entitled an act to provide for the organization, regulation and discipline of the National Guards of Montana, approved March 12th, 1889.

H. B. No. 127—An act to establish a State Insane Asylum and to provide for the location of the same.

H. B. No. 117—An act providing for the election of State and County officers and the canvassing of the returns of said election.

H. B. No. 131—An act to amend section 719 of the Fifth Division of the Compiled Statutes of Montana.

HARDENBROOK,  
Chairman.

H. B. No. 132 referred to Committee on Railroads and Transportation.

H. B. No. 123 referred to Military Committee.

H. B. No. 127 referred to Committee on Internal Improvements.

H. B. No. 131 referred to Committee on railroads and Transportation.



H. B. No. 117 referred to Committee on Privileges and Elections.

*Mr. Speaker:* Your Committee on Water Rights and Irrigation, to whom was referred H. B. No. 45, a bill for an act defining the mode of procedure in relation to rights of way for ditches, flumes or canals for irrigating and other purposes, report the same back with recommendation that it do pass.

McELWEE,  
Chairman.

H. B. No. 45 placed on General Orders.

*Mr. Speaker:* Your Committee, to whom was referred H. B. No. 128 and H. B. No. 129, have had the same under consideration and report them back with a recommendation they do pass.

Respectfully submitted,

BOARDMAN,  
Chairman.

H. B. No. 128 placed on General Orders.

H. B. No. 129 placed on General Orders.

*Mr. Speaker:* Your Committee on Engrossment beg leave to report H. B. No. 1, an act providing additional judgeships in the First and Second Judicial Districts, and substitute for H. B. No. 2, an act relating to information in criminal cases, as correctly engrossed.

POOL,  
Temp. Chairman.

H. B. No. 1, and S. H. B. No. 2 placed on File for third reading.

*Mr. Speaker:* Your Committee on privileges and Elections, having had under consideration the following House Bills, namely:

H. B. No. 90, a bill for an act entitled an act to fill vacancies occurring in the Legislative Assembly.

H. B. No. 95:

A bill for an act relating to the duties of the clerks of Boards of County Commissioners in issuing notices of election.

H. B. No. 81:

A bill for an act relating to crimes against the elective franchise, beg leave to report back the said bills with a recommendation that they do pass.

WOODSON,  
Chairman.

H. bills Nos. 95, 90 and 81 placed on General Orders.

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 118, an act concerning the assessment and collection of taxes, beg leave to report the same back with recommendation that it be placed on General Orders.

BEACH,  
Chairman.

H. B. No. 118 placed on General Orders.

*Mr. Speaker:* Your Committee of the Whole House having had under consideration H. B. No. 19, beg leave to report the same back with amendments and as amended recommend that it pass.

Amend Sec. 2, lines 18 and 19 of printed bill by striking out the words "between the first day of July and the first day of January" and insert the words "before the expiration of any contract or as soon thereafter as is possible in lieu thereof."

Strike out Sec. 3.

Amend Sec. 5, line 5, by striking out the words "and clerk."

Amend Sec. 6 by inserting the word "are" between the words "as" and "others".

Amend Sec. 9, line 76, by adding the word "proper," provided that nothing shall be printed in or on the above named reports that does not relate directly to the reports.

Strike out Section 10.

Amend Sec. 11 by striking out of printed bill all of line 102 after the word "court" and all of line 104, up to and including the word "court."

Amend Sec. 19, line 156, by adding after the word "contracts" the words "for county printing,"

Amend Sec. 20, line 162 of printed bill, after the word "Montana" by adding the following:

Providing that the price paid for such printing and publishing shall not exceed the herein set forth: For blanks cut from flat cap paper, measuring 14x17 inches in size and weighing not less than 16 lbs to ream, as follows: For  $\frac{1}{8}$ th sheets printed on one side, \$2 for first one hundred copies, and 15 cents for each additional one hundred copies. For  $\frac{1}{8}$ th sheets printed on both sides, \$3.10 for first one hundred copies, and 20 cents for each additional one hundred copies. For  $\frac{1}{4}$ th sheets printed on one side \$2.50 for first one hundred (100) copies, and 25 cents for each additional one hundred (100) copies. For  $\frac{1}{4}$ th sheets printed on both sides, \$3.60 for first one hundred (100) copies, and 30 cents for each additional one hundred (100) copies. For  $\frac{1}{2}$  sheets printed on one side \$4.50 for first one hundred copies and 40 cents for each additional one hundred copies. For  $\frac{1}{2}$  sheets printed on both sides, \$6.50 for first one hundred (100) copies and 50 cents for each additional one hundred (100) copies. For whole sheets printed on one side, \$7.50 for first one hundred (100) copies, and 75 cents for each additional one hundred (100) copies. For whole sheets printed on both sides \$9 for first one hundred (100) copies. and 90 cents for each additional one hundred (100) copies.

For county warrants with stubs printed on bond paper, \$17.50 per 1000 copies. Road tax receipts, special poor tax receipts, and work of like character, \$6 per 1,000, numbered, perforated and bound. For full bound six quire record book \$15.00. For book with printed heading, \$3 per book extra. For book of less than six quires there shall be deducted 60 cents for each quire from the price allowed for such six quire book. Books of over six quires shall be charged for at the rate of \$1.50 per quire for each additional quire in addition to the price allowed for such six quire book.

Amend Sec. 20 line 162, by striking out all of line 162, after the word "act" and substitute the following: "for the State shall be executed within the State and for the Counties within their respective counties.

Amend title by striking out the words "with provisions" and insert in lieu thereof the words "and providing penalties."

Strike out section 3.

Strike out section 13.

Strike out section 18 and substitute section 11, therefore, section 11 to be transferred.

Clerk was ordered to renumber sections correctly.

Strike out section 19.

WOODSON,  
Chairman.

*Mr. Speaker:* Your Committee on Ways and Means to whom was referred H. B. No. 109, an act to amend an act entitled an act to provide for the levy and assessment of property, have had the same under consideration and beg leave to report the same back with recommendation that it be considered with H. B. 118, in Committee of the Whole as it relates to the same subject.

BEACH,  
Chairman.

H. B. No. 109 placed on General Orders.

*Mr. Speaker:* Your Committee of the Whole, to whom was referred S. B. No. 44, and H. B. No. 108, beg leave to report No. 44 back with the following amendments, and as so amended recommend it do pass.

Strike out Sections 5, 6, 7, 8, 9, 10, 11, and insert in lieu thereof:

Each of the officers and employes aforesaid shall perform such duties as may be required of them by the rules or orders of the respective bodies to which they may be elected and belong.

Amend Section 2, line 4, by striking out the words "not exceeding six."

Amend title by striking out the word "number."

Amend Section 13, line 6, by striking out the word "seven," and inserting the word "six" in lieu thereof.

Amend by adding Section 14.

This law shall be in force and effect 30 days after its passage

Clerk ordered to renumber sections as adopted.

And we report back H. B. No. 108, with the recommendation that it do not pass.

J. A. WOODSON,  
Chairman.

Report of committee adopted.

On motion of Howey:

That Committee on Towns, Counties and Highways be required to report on bill No. 87, at 2 P. M.

Norton moved to table motion.

Lost.

Motion withdrawn.

Blakely granted leave to make report of Committee on Towns, Counties and Highways.

*Mr. Speaker:* Your Committee on Towns, Counties and Highways have had under consideration H. B. No. 91, an act to amend Section 731, of Chapter XXXVIII, of the Fifth Division of the Compiled Statutes of Montana, defining the boundary line of Deer Lodge county, and to render the same definite, report the same back to the House with a recommendation that it pass.

BLAKELY,  
Chairman.

H. B. No. 91 placed on General Order.

On motion of Harlan, H. B. No. 3 was made special order for Tuesday, 3 P. M.

Enrollment Committee made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report House Bill No. 77, an act appropriating money to pay for the care, custody and maintenance of the insane.

Also, H. B. No. 80: an act appropriating money to pay the salaries, office and traveling expenses of the Inspector and Deputy Inspector of Mines.

Also, H. B. No. 103—A bill for an act appropriating certain money for the care and maintenance.

Correctly enrolled.  
DAY,  
Chairman.

The following resolution introduced by Greenough:



*Mr. Speaker:* I move to make H. B. No. 5 and substitute be made special order for 2 P. M.

GREENOUGH.

Messrs. Schmidt, Higgins and Frank were granted leave to introduce bills without previous notice.

Moved that rules be suspended and that House Bills on table be read first and second times by title:

H. B. No. 151, read first and second time, referred to Printing Committee.

H. B. No. 152, read first and second times, referred to Printing Committee.

H. B. No. 153, read first and second times, referred to Printing Committee.

H. B. No. 154, read first and second times, referred to Printing Committee:

H. B. No. 155, read first and second times, referred to Printing Committee.

H. B. No. 156, read first and second times, referred to Printing Committee.

H. B. No. 157, read first and second times, referred to Printing Committee.

H. B. No. 158, read first and second times, referred to Printing Committee.

H. B. No. 159, read first and second times, referred to Printing Committee.

Mr. Speaker pro tem Humber gave notice that he was about to sign H. Bs. Nos. 80, 77, 103, and signed same in the presence of the House.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report as correctly printed the following bills.

H. B. No. 43—An act to amend an act entitled an act for the better protection of game and fish.

H. B. No. 116—An act concerning the fees for official services by county, district and township officers.

H. B. No. 26—An act relating to the assessment of mortgages and other property.

H. B. No. 101—An act to define the powers and prescribe the duties of the State Board of Land Commissioners of the State of Montana in relation to the leasing and sale of school, university and all other lands granted the State of Montana for educational purposes.

HARDENBROOK,  
Chairman.

H. B. No. 43 referred to Committee on Incorporations and Manufactures.

H. B. No. 116 placed on General Orders.

H. B. No. 26 placed on General Orders.

H. B. No. 101 referred to Committee on Public Lands.

Judiciary Committee made following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred the claim of Charles M. Jefferis for the arrest and return of W. S. Becker, which was disallowed by the State Board of Examiners, have examined the same, and we, the undersigned, members of your Committee, recommend that the claim be referred to the Appropriation Committee with direction that an appropriation be made to reimburse the said Chas. M. Jefferis in such an amount as may be found due him, being satisfied that he was duly authorized in making the arrest.

[Signed]

J. R. BARROWS.

E. H. GOODMAN.

C. H. LOUD.

CHAS. M. CRUTCHFIELD.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred claims Nos. 41 and 43, of Lloyd and Jefferis, beg leave to report as follows:

That as to the claim for the arrest of Becker, we can find no authority of law to allow the same as a direct charge against the State; but recommend that the matter be referred to the Appropriation Committee to pass upon the equity of the claim, which your Committee does not feel empowered or required to do.

And as to the item of board for Scanlon, in construing the section under which the claim is prepared, find that a contingency has arisen not contemplated by the law in question (S. 1078, 5th Div., p. 926) in that the term of the L. & C. Court was continuing, but that the spirit of the law in question would require in the present case that the prisoner be transported within a reasonable time after sentence; and this and similar items in the bill should be referred to the Appropriation Committee for action under the above rule.

[Signed]

WM. WALLACE.

FRANK G. HIGGINS.

As to this report we agree as to the claim of Chas. M. Jefferis for board of prisoners.

J. R. BARROWS,

CHAS. M. CRUTCHFIELD.

E. H. GOODMAN.

C. H. LOUD.

Referred to Committee on Appropriations and Claims.

Helena, Mont., February 20th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of James Hamilton for 2276.70 dollars, which has been approved for the sum of (1648.40) dollars.

(Signed)

JOS. K. TOOLE, Chairman,

L. ROTWITT, Secretary,

H. J. HASKELL,

Members State Board of Examiners.

Helena, Montana, February 20th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of G. W. Child for (2791.00,) dollars which has been allowed for the sum of (2791.00) dollars.

(Signed)

JOS. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

Helena, Mont., February, 20th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Daily and Weekly Missoulian, for (12.00) dollars which has been approved for the sum of (eight dollars.)

(Signed) Jos. K. TOOLE, Chairman.

L. ROTWITT, Secretary.

H. J. HASKELL,

Members of State Board of Examiners.

Helena, Montana, February 20th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of McKenzie Coal Co. for \$177.68, which has been approved for the sum of \$161.78.

(Signed) Jos. K. TOOLE, Chairman.

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

Helena, Montana, February, 20th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Chas. K Wells, for \$143.43, which has been approved for the sum of \$143.43.

(Signed) Jos. K. TOOLE, Chairman,

H. J. HASKELL,

L. ROTWITT, Secretary.

Members State Board of Examiners.

Referred to Committee on Appropriations and Claims.

The following communication received from the Senate.

*Mr. Speaker:* I am directed by the Senate to request your honorable body to supply the Senate with the usual number of printed copies H. B. No. 9, there appearing to have been but eight copies received.

The enclosed resolution was this day adopted by the Senate.

Very respectfully,

JNO. J. FALLON,  
Secretary.

*Resolved*, by the Senate and the House of Representatives of the Second Legislative Assembly of the State of Montana, that a committee of ten (10), consisting of three (3) members of the Senate and seven (7) members of the House of Representatives, be appointed by the President of the Senate and Speaker of the House, respectively, for the purpose of determining what legislation is absolutely essential to the best interests of the State at the present time, and that they may be instructed to recommend the passage of such laws and acts as will best serve the interests and welfare of the people of the State; and be it further

*Resolved*, That the members of the Senate and House of Representatives do hereby agree to lay aside all partisan feeling and personal ambition and devote their undivided time during the remainder of said session to the enactment of these important measures, to the end that the State may be spared the expense and the members the annoyance and inconvenience of an extra session.

[Signed]

BECKER.

H. B. No. 1 read third time and put on final passage and passed by following yeas and nays vote:

Ayes—Barrows, Beach, Boardman, Blake, Blakeley, Breen, Burns, Carney, Clark, Crutchfield, Day, Frank, Goodman, Harlan, Hardenbrook, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Norton, Poole, Roberts, Schmidt, Stebbins, Twohy, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total vote 40.

Yeas—40.

Noes—0.

Substitute for H. B. No. 2 read third time and placed on final passage and passed by following yeas and nays vote:



Ayes—Barrows, Blake, Blakely, Breen, Burns, Carney, Clark, Crutchfield, Day, Goodman, Greenough, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Kempland, Lochray, Loud, Newcomer, Norton, Phillips, Roberts, Waite, Wallace, Wing, Woodson, Mr. Speaker pro tem Humber.

Noes—Beach, McElwee, Poole, Schmidt, Stebbins, Twohy, Whaley—Total 7.

Total vote—39.

Yeas—32.

Noes—7.

On motion of Greenough, House took recess until 2 o'clock P. M.

2 P. M.

House resumed.

Mr. Speaker pro tem Humber in chair.

Messrs. Frank, McElwee and Twohy excused until Monday.

H. B. No. 5 and substitute having been made special order for 2 o'clock, were postponed until 2 o'clock, P. M., Monday.

Harian moved that H. B. Nos. 95, 7, 49, 48, 44 be considered in Committee of the Whole.

On motion of Barrows, House resolved itself into Committee of the Whole.

Committee arose.

House resumed.

Mr. Speaker pro tem Humber in the chair.

Wallace, Chairman Committee of the Whole, asked for further time to report.

Blakely, chairman Committee on Towns, Counties and Highways, asked permission to make report. Hastie moved that rules be suspended and report received. Barrows moved to postpone receiving report. Lost.

Wallace called for regular order of business. Chair ruled that report be received.

Wallace appealed from ruling of the chair and chair sustained. Report read and rules suspended by following yea and nay vote:

Ayes—Beach, Blake, Blakely, Burns, Carney, Day, Eaton, Greenough, Hardenbrook, Harlan, Hastie, Higgins, Howey, Lochray, Mitchell, Moran, Newcomer, Poole, Roberts, Schmidt, Whaley, Wing, Woodson, Mr. Speaker pro tem Humber—Total 24.

Noes—Barrows, Breen, Goodman, Holter, Horsky, Loud' Norton, Stebbins, Wallace—Total 9.

Total vote—33.

Yeas—24.

Noes—9.

*Mr. Speaker:* Your Committee on Towns, Counties and Highways have had under consideration H. B. No. 87, an act to create the County of Teton, to define its boundaries and provide for its organization, report the same back to the House with amendments and recommend its passage as amended.

BLAKELY,  
Chairman.

Amend by striking out lines 112 to 121 inclusive in printed bills and insert the name of Z. T. Burton instead of J. T. Burton.

H. B. No. 87 placed on General Orders.

Moved that House recur to third order of business.

Motion carried.

Printing Committee made following report.

*Mr. Speaker:* Your Committee on printing beg leave to report as correctly printed the following bills:

H. B. No. 130, an act to appropriate money for the ordinary expenses of the State Government for the fiscal years ending Dec. 31st, A. D. 1891, and Dec. 31st, A. D. 1892.

H. B. No. 137, an act to allow the Journal Publishing Co. interest upon their claim against the State of Montana for the public printing and supplies furnished.

H. B. 141, an act to provide for the payment of all claims against the State, approved by the State Board of Examiners and reported to the Second Legislative Assembly.

H. B. No. 100, an act to provide for the location and maintenance of public parks and boulevards.

H. B. No. 126, an act appropriating money to pay the bounties upon certain stock destroying animals.

H. B. No. 124, an act to create the office of County Auditor.

HARDENBROOK,  
chairman.

H. B. No. 130, referred to Appropriation and Claims Committee.

H. B. No. 137, referred to Appropriation and Claims Committee.

H. B. No. 141 referred to Appropriation and Claims Committee.

H. B. No. 126, referred to Appropriation and Claims Committee.

H. B. No. 100, referred to Towns, Counties and Highways Committee.

H. B. No. 124, referred to Towns, Counties and Highways Committee.

Committee on Internal Improvements made following report.

*Mr. Speaker:* Your Committee on Internal Improvements, to whom was referred H. B. No. 127, a bill for an act to establish a State Insane Asylum and to provide for the location of the same, report the same back with the recommendation that it do pass.

HIGGINS,  
Chairman.

H. B. No. 127 placed on General Orders.

Committee on Education made following report:

*Mr. Speaker:* Your Committee on Education, to whom was referred H. B. 119, a bill for an act to provide for the selection and conveyance of indemnity school lands, and of certain public lands donated to the State of Montana by the United States for various public buildings and institutions and to pay the necessary expenses thereof, beg leave to report the same back to your honorable body with the following amendments, to-wit:

SECTION 1. That the State Superintendent of Public Instruction is hereby designated as an ex-officio public land agent and as such, as part of his official duties, he shall select, subject to such rules and regulations as may be prescribed by the Secretary of the Interior, and cause to be conveyed to the State of Montana all indemnity school lands and all public lands donated to the State by the United States for various public buildings and institutions by virtue of the act of congress providing for the admission of Montana, approved Feby. 22d, 1889, and generally to accord and care for the institutions of the State in the selection and preservation of all its public lands.

SEC. 2. Amend section 2 so as to read as follows, to-wit: Said superintendent of public instruction shall receive his necessary and actual expenses while engaged in the performance of the duties upon him imposed as such ex-officio public land agent, which expenses shall be submittsd by him in sworn statement to the State Board of Land Commissioners and upon their approval shall be examined by the State Board of Examiners and paid out of the State treasury upon the approval of said last named Board.

SEC. 3. Amend Sec. 3 so as to read as follows, to-wit: There is hereby appropriated for the purpose of carrying out the provisions of the foregoing act, from monies not otherwise appropriated in the State treasury, the sum of (\$1,500.00) for the fiscal year ending Dec. 31st, 1891, and for the fiscal year ending Dec. 31st 1892, the further sum of (\$1,500.00.)

With the foregoing amendments your committee recommend the passage of the bill as amended.

NORTON,

Chairman Committee on Education.

H. B. No. 119 placed on General Orders.

*Mr. Speaker:* Your Committe on Education to whom was referred substitute for S. B. No. 28, have had the same under consideration and find that the House has already passed a bill containg practically the same provisions and for want of time so near the end of the session, beg leave to report the same back with the recommendation that it do not pass.

Also H. B. No. 52: A bill for an act to establish a State reform school and to provide for its management, have had the same under consideration and report the same back without amendment and recommend it being placed on General Order.

Also H. B. No. 86, a bill for an act to provide for the incorporation, establishment, maintenance, management and support of the Montana School of Mines, and beg leave to report the same back without recommendation.

Respectfully submitted,  
NORTON,  
Chairman.

Report of committee as to S. S. B. No. 28 adopted.

S. S. B. No. 28 placed on General Orders.

H. B. No. 52 was placed on General Orders.

H. B. No. 86 was placed on General Orders.

First reading of Senate bills.

On motion the following bills were read first and second times by title:

S. B. No. 6, referred to Committee on Railroads and Transportation.

S. B. No. 16, referred to Committee on Education.

S. B. No. 7, referred to Committee on Towns, Counties and Highways.

S. B. No. 37 referred to Committee on Appropriations and Claims.

S. B. No. 39 referred to Committee on State Boards and Officers.

On motion of Beach, Senate Committee invited to confer with House Committee at 6:30 P. M. Monday.

On motion of Harlan, House resolved itself into Committee of the Whole for consideration of H. B. Nos. 91, 82, 43 and S. B. No. 14.

Committee arose.

Mr. Speaker in chair.



Whaley, Chairman of Committee of the Whole, asked for further time to make report.

The following notice of pair was given:

*Mr. Speaker:* We, the undersigned members, desire to be paired for ten days from date upon the following bills or questions:

State Examiner, apportionment and representation.

House Bills No. 53 and 117.

House Bills No. 5 and substitute.

And any and all questions that by the vote upon the same discloses them to be divided upon party lines.

T. L. GREENOUGH.

A. F. BURNS.

Howey moved that when the House adjourn, it adjourn until 2 o'clock P. M., Monday.

Motion carried.

Greenough moved that House adjourn.

Motion carried.

CHAS. Z. POND,  
Chief Clerk.

## FIFTIETH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 23rd, 1891.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker pro tem Humber in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the forty-eighth day read and approved.

Eaton presented petition, signed by —— and others, petitioning for the non-division of Dawson Co.

Referred to Committee on Towns, Counties and Highways.

Penrose presented petition signed by John Mercy and 1000 others, petitioning for repeal of Sunday law.

Referred to Committee on Towns, Counties and Highways.

Whaley gave notice that on to-morrow or some future day he would introduce a bill to amend section 1831, Fifth Division, Compiled Statutes of Montana, relating to road supervisor.

Blakely, Chairman Committee of the Whole, made following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. Bills Nos. 110, 111 and 112, beg leave to report that H. B. No. 110 be amended as follows, and as amended recommend it do pass:

Amend Section 1, by adding after the word "in" the following, "the months of," and after the word "November," "immediately."

Amend Section 3 by striking out the letter "A" in line seven, and insert the word "three."

Substitute for Section 6 the following: "When all the electors shall have appeared, or all the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States."

Amend Section 10, line 23, of printed bill, by inserting the word "shall" after the word "electors."

Amend Section 11, line 25, by striking out the word "therefore" and insert the word "therefor" in lieu thereof.

Clerk ordered to strike out the word "must" wherever it occurs in bill and insert the word "shall" in lieu thereof.

Amend by striking out Sec. 7, 8, 9.

Amend H. B. No. 111, by amending section 3 by inserting after the word Seal "of the State" and as amended recommend it do pass.

H. B. No. 112, recommend it do pass without amendmennts.

C. P. BLAKELY,  
Chairman.

Report of Committee adopted.

H. Bills 110, 111, and 112 were referred to Engrossing Committee:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 91, S. B. No. 14, H. B. No. 82, H. B. No. 43, beg leave to report that they recommend H. B. 91 do pass as read.

Title agreed to.

S. B. No. 14 do pass as read.

Title agreed to.

H. B. No. 82 do pass as read.

Title agreed to.

H. B. No. 43, be amended as follows, and as amended recommend that it do pass:

Amend Section 3, line one, by adding "s" to "hook," after word thereof. Line 26, add "and nothing herein contained shall prevent the use of seines or nets for the purpose of taking fish to be transplanted into private ponds, fish pools, fountains or aquariums, and as amended recommend that it do pass.

Title agreed to.

WHALEY,  
Chairman.

Report adopted.

H. B. Nos. 91, 82, 43, referred to Engrossing Committee.

S. B. No. 14, referred to Engrossing Committee.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. Bills Nos. 95, 7, 49, 48, 44, beg leave to report that we recommend H. B. No, 95 do pass as read.

Title agreed to.

H. B. No. 7, recommend that it do not pass.

H. B. No. 49, recommend that it be referred to Judiciary Committee.

H. B. No. 48, be amended as follows: By inserting the word "district" between the words "the and Court," in line 13.

H. B. No. 44, recommend it do pass as read.

WM. WALLACE, JR.,  
Chairman.

Report adopted.

H. Bills Nos. 7, 95, 48, 44, referred to Engrossment Committee.

H. B. No. 49, referred to Judiciary Committee.

Printing Committee made following report:■

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred Senate Bill No. 43, an act fixing the compensation of employes of the Legislative Assembly, etc., report the same back to your honorable body with the recommendation that the same do pass.

WM. WALLACE, JR.,  
Chairman.

Report adopted.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report, as correctly printed, the following bills:

H. B. No. 142—An act to amend an act entitled an act to provide for the levy of taxes and assessment of property. Approved March 14th, 1889.

H. B. No. 125—An act to prohibit certain gambling games, and the use of certain gambling devices, and fixing penalties for violation thereof.

H. B. No. 122—An act to provide for the incorporation of mortgage and loan companies.

H. B. No. 134—A bill to establish a State weather service for Montana.

H. B. No. 28—An act concerning cruelty to animals, providing penalties against persons who neglect or cruelly treat the same.

Sub. for H. B. No. 41—An act regulating the payment of labor done and material furnished to railways.

H. B. No. 143—An act to compel railroad companies to fence rights-of-way.

H. B. No. 151—Appropriating money for the relief of Jno. J. Fallon and others.

H. B. No. 150—Appropriating money for the relief of H. R. Comley and others, with the following errors:

Line 4, printed bill, the word "fifty" instead of "forty."

Line 17, printed bill, the word "forty" instead of "forty-five."

Line 19, printed bill, the word "thirty" instead of "forty-five."

Line 20, printed bill, the word "thirty" instead of "forty."

Respectfully submitted,

HARDENBROOK,

Chairman.

Report of Committee adopted.

H. B. No. 143, referred to Committee Railroads and Transportation.



H. B. Nos. 150 and 151, made special order for 4 o'clock.

H. B. Nos. 142 and 125, referred to Ways and Means Committee.

H. B. No. 122, Incorporations and Manufactures.

H. B. No. 134, referred to State Boards and Officers.

H. B. No. 28, placed on General Orders.

H. B. No. 41, placed on General Orders.

Chairman Committee Towns, Counties and Highways made following report:

*Mr. Speaker:* Your committee, to whom was referred Senate Bill No. 22, an act to create the Ninth Judicial District, State of Montana, have had the same under consideration, and report the same back with recommendation it do pass.

BLAKELY,  
Chairman.

Report adopted.

*Mr. Speaker:* Your Committee on Towns, Counties and Highways have had under consideration H. B. No. 100, an act to provide for the election [?] and maintenance of public parks and boulevards, have had the same under consideration and report the same back to the House and recommend its passage.

BLAKELY,  
Chairman.

Report adopted.

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 85, an act entitled an act providing for dividing or forming new counties, report the same back to the House and recommend that it do not pass.

BLAKELY,  
Chairman.

Report adopted.

S. B. No. 22 placed on General Orders.

H. B. No. 100 placed on General Orders.

H. B. No. 85 placed on General Order.

Committee on Education made following report:

*Mr. Speaker:* Your Committee on Education, to whom was referred Senate bill No. 16, a bill for an act entitled an act concerning obscene literature, have the same under consideration and beg leave to report the same back with the recommendation that it do pass.

NORTON,  
Chairman

Report adopted.

S. B. No. 16 placed on General Orders.

Judiciary Committee made following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 49, a bill for an act to amend section 447, of Fifth Division, Compiled Statutes of Montana, beg leave to report the same back with a substitute in which the constitutional defeat in the original bill is removed.

WM. WALLACE, JR.,  
Chairman.

Report adopted.

H. B. No. 49 placed on General Orders.

On motion of Harlan, House resolved itself into Committee of the Whole for consideration of substitute to H. B. No. 5.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Communication received from State Board of Examiners.

House resolved itself into Committee of the Whole for further consideration of Sub. H. B. No. 5.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Wallace, Chairman, Committee of the Whole, reported having had under consideration Sub. H. B. No. 5, asked for further time to make report.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration S. B. No. 44, beg leave to report the same back with amendments, and as so amended recommend it do pass.

Strike out sections 5, 6, 7, 8, 9, 10, 11, and insert in lieu thereof the following:

Each of the officers or employes aforesaid shall perform such duties as may be required of them by the rules or orders of the respective bodies to which they be elected and belong.

Amend Section 2, line 4, by striking out the words, not exceeding six of each.

Amend Section 4, line 3, by striking out the words "the members," and insert the words (a member) in lieu thereof.

Amend Section 13, line 6, by striking out the word "seven" and inserting the word "six" in lieu thereof.

Amend by adding as follows:

SEC. 14. This law shall be in force and effect thirty days after its passage.

Amend title by striking out word, "number."

Amend, that Clerk be ordered to re-number section as amended.

JNO. A. WOODSON,  
Chairman Com. of Whole.

Report adopted.

S. B. No. 44 placed on File for third reading.

Committee on Appropriations made following report:

*Mr. Speaker:* Your Committee on Appropriations, to whom was referred H. B. No. 141, an act to provide for the payment of all claims against the State, and approved by the State Board of Examiners, and reported to the Second Legislative Assembly, beg leave to report the same back with the following amendments:

Amend Section 2, line 4, of said section by striking out the words "following" and "respectively" and adding after the word

amounts the words "set opposite their names," and recommend the same do pass as amended.

DAY,  
BEACH,  
THOMPSON.

Report adopted.

H. B. No. 141 placed on General Orders.

Beach, Chairman Committee on Ways and Means, introduced H. B. No. 160:—An act appropriating money to provide prisoners discharged from State's prison with clothing and cash provided by law, without previous notice.

H. B. No. 160 read first and second times and referred to Printing Committee.

On motion of Day, House resolved itself into Committee of the Whole for consideration of H. Bills 150 and 151.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Loud, Chairman Committee of the Whole, made following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 150 and 151, report the same back, requesting that said bills be referred to Committee on Appropriations and Claims.

LOUD,  
Chairman.

Report adopted.

H. B. No. 150 referred to Committee on Appropriations and Claims.

H. B. No. 151 referred to Committee on Appropriations and Claims.

On motion of Stebbins, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FIFTY-FIRST DAY.

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HOUSE OF REPRESENTATIVES,

Helena, Montana, February 24th, 1891.

House met pursuant to adjournment.

Mr. Speaker pro tem Humber in the chair.

Roll called.

Prayer by Chaplain.

Journal of fiftieth day read and approved.

Following communications received from the State Board of Examiners:

Helena, Montana, February 23rd, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of R. H. Kleinschmidt, for three hundred and seventy-five dollars, which has been approved for the sum of three hundred and seventy-five dollars.

(Signed)      Jos. K. TOOLE, Chairman.  
                    L. ROTWITT, Secretary.  
                    H. J. HASKELL,

Members State Board of Examiners.



Helena, Montana, February 23rd, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Albert Kleinschmidt, for 229.50 dollars, which has been approved for the sum of 114.50 dollars.

(Signed)      Jos. K. TOOLE, Chairman,  
                    L. ROTWITT, Secretary,  
                    H. J. HASKELL,  
                    Members State Board of Examiners.

Helena, Montana, February 21st, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Bach, Cory & Co., No. 81, for (100.65 dollars,) which has been approved for the sum of (90.65 dollars.)

(Signed)      Jos. K. TOOLE, Chairman,  
                    L. ROTWITT.  
                    H. J. HASKELL,  
                    Members State Board of Examiners.

Helena, Mont., February. 21st, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Mantle and Warren, No. 78, for one hundred dollars, which has been approved for the sum of \$100.00 dollars.

(Signed)      Jos. K. TOOLE, Chairman,  
                    L. ROTWITT.  
                    H. J. HASKELL,  
                    Members State Board of Examiners.

Helena, Mont., February, 23rd, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Miner Publishing Company, No. 86, for (450 dollars), which has been approved for the sum of (290.00 dollars.)

(Signed) Jos. K. TOOLE, Chairman,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board of Examiners.

Helena, Mont., Feby. 21, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Benton Review for 6.00 dollars, which has been approved for the sum of 6.00 dollars.

Jos. K. TOOLE, Chairman,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board of Examiners.

Helena, Mont., Feby. 23rd, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Frank S. Lang for 238.35 dollars, which has been approved for the sum of 238.35 dollars.

[Signed] Jos. K. TOOLE,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board of Examiners.

Helena, Mont., Feby. 23rd, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of W. J. Kennedy for 1,600.00 dollars, which has been disapproved in toto.

[Signed]      Jos. K. TOOLE,  
                         H. J. HASKELL,  
                         L. ROTWITT,

Members State Board of Examiners.

Helena, Montana, February, 23rd, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of W. G. Dougherty for \$295.99, which has been approved for the sum of \$240.99.

(Signed)      Jos. K. TOOLE,  
                         H. J. HASKELL,  
                         L. ROTWITT,

Members State Board of Examiners.

Helena, Montana, February 21st, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Emma A. Cochran, No. 79, for sixty-four dollars, which has been approved for the sum of \$48.00.

(Signed)      Jos. K. TOOLE,  
                         L. ROTWITT,  
                         H. J. HASKELL,

Members of State Board of Examiners.

Helena, Mont., February, 23rd, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Chas. K. Wells for \$771.09, which has been approved for the sum of \$771.09.

[Signed] Jos. K. TOOLE,  
L. ROWITT,  
H. J. HASKELL,

Members State Board of Examiners.

Helena, Mont., Feby. 23rd, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Joseph Davis and others for \$6,215.08, which has been approved for the sum of \$6,215.08.

[Signed] Jos. K. TOOLE,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board of Examfners.

Helena, Mont., Feby. 23, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Tom Mc-Tague for the sum of \$90.00, which has been approved for the sum of \$40.00.

[Signed] Jos. K. TOOLE,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board of Examiners.

Helena, Montana, February 23d, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of John E. Lloyd for the sum of \$63.30, which has been disallowed in full.

[Signed]      Jos. K. TOOLE,  
                    H. J. HASKELL,  
                    L. ROTWITT,

Members State Board of Examiners.

Schmidt presented petition for repeal of Sunday law, signed by Wm. Bossler and 63 others.

Referred to Committee on Towns, Counties and Highways.

Stebbins presented petition signed by H. J. Haskell and 385 others, residents of Dawson County, asking for the division of said county, and the creating of Valley County.

Referred to Committee on Towns, Counties and Highways.

Committee on Appropriations and Claims made following report:

*Mr. Speaker:* Your Committee on Appropriations having had under consideration H. B. No. 150, an act appropriating money for the relief of H. R. Comly and others. Also H. B. No. 151, an act appropriating money for the relief of Jno. J. Fallon, and others, beg leave to report the same with substitutes and recommend that the substitutes do pass.

DAY,  
BEACH,  
CORY,  
THOMPSON,  
EATON.

Report adopted.

S. H. B. No. 150, placed on General Orders.

S. H. B. No. 151, placed on General Orders.

On motion of Barrows rules were suspended and substitutes for H. B. No. 150 and 151, were read third time and placed on final passage, and passed by following aye and no vote:



S. H. B. No. 150, passed by following vote:

Ayes—Barrows, Beach, Blair, Blake, Burns, Carney, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Schmidt, Twohy, Thompson, Waite, Wallace, Wing, Woodson, Mr. Speaker pro tem.—Total 42.

Noes—Loud, Moran, Stebbins—Total 3.

Total vote—45.

Yeas—42.

Nays—3.

S. H. B. No. 151, passed by following vote:

Ayes—Barrows, Beach, Blair, Blake, Burns, Carney, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips, Penrose, Robberts, Schmidt, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker pro tem.—Total 42.

Noes—Loud, Moran, Stebbins—Total 3.

Total vote—45.

Yeas—42.

Nays—3.

Mr Speaker announced to the House that he was about to sign S. B. No. 1, and signed the same in presence of the House.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing, to whom was referred H. B. No. 152, to create the 8th day of November, a legal holiday. Also H. B. No. 157, to amend section 460, of Chapter 25, of the Fifth Division of the Compiled Statutes of Montana, as correctly printed.

HARDENBROOK,  
Chairman.

Report adopted.

H. B. No. 152, referred to Committee on Federal Relations.

H. B. No. 157, referred to Committee on Incorporations and Manufactures.

Wallace moved that all rules interfering with the final passage of H. B. No. 112, be suspended, and H. B. No. 112 was placed on final passage and passed by following aye and no vote.

Barrows, Beach, Boardman, Blair, Blake, Breen, Burns, Carney, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Twohy, Thompson, Waite, Wallace, Wing, Woodson—Total vote—43,

Ayes—43.

Noes—0.

Barrows, on Committee on Public Lands, made following reports:

*Mr. Speaker:* We, a majority of your Committee on Public Lands, having had under consideration Senate Bill No. 40, a bill for an act entitled an act to provide a Mineral Land Commissioner for the State of Montana, to define his duties and provide for his compensation and expenses, return the same with the recommendation that it do not pass and assign as our reason the fact that we have duly accredited Representatives in Congress at Washington, and we regard the appointment of a State Lobbyist as an impolitic measure.

(Signed.)

J. R. BARROWS,

W. B. HARLAN,

A. M. HOLTER.

*Mr. Speaker:* Your Committee on Public Lands, having had under consideration Senate Bill No. 49, for the appointment of a Mineral Land Commissioner for Montana, recommend the same be passed as early as possible.

J. K. CLARK,

Chairman of Public Lands Committee.

Goodman moved that majority report be adopted.

Howey moved to amend by receiving both reports and place S. B. No. 40 on General Orders,

Motion carried.

S. H. No. 40 placed on General Orders.

Committee on State Boards and Officers made following report:

*Mr. Speaker:* We, the Committee on State Boards and Officers, to whom was referred H. B. No. 134, a bill to establish State weather service, beg leave to report the same back to the House with the recommendation that it do not pass.

WHALEY,  
Chairman.

H. B. No. 134 placed on General Orders.

Ways and Means Committee made following report.

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 142, a bill for an act to provide for the levy of taxes and assessment of property, approved March 14, 1889, beg leave to report they have had the same under consideration and have instructed me to report the same back with the recommendation that the same do pass.

BEACH,  
Chairman.

Report adopted.

H. B. No. 142, placed on General Orders.

Committee on Railroads and Transportation made the following report:

*Mr. Speaker:* Your Committee on Railroads and Transportation, to whom was referred S. B. No. 6, a bill for an act to provide for the redemption of railroad and other transportation tickets and to prevent the fraudulent sale or use thereof, have had the same under consideration and report it back with a recommendation that it do pass.

Respectfully Submitted.

BOARDMAN,  
Chairman.

Report not adopted.

Whaley moved that report be laid on table.

Motion carried.

S. B. No. 6 placed on General Orders.

Committee on Railroads and Transportation made following report:

*Mr. Speaker:* Your Committee on Railroads and Transportation, to whom was referred H. B, No. 132, a bill for an act to attach certain portions of the right of way of the Northern Pacific Railroad Company and the Rocky Fork and Cooke City Railway Co. to Yellowstone County for the purpose of taxation and for judicial purposes, have had the same under consideration and report it back with a recommendation that it do pass.

BOARDMAN,  
Chairman.

Report adopted.

S. B. No. 132 placed on General Orders.

Committee on State Boards and Officers made following report:

*Mr. Speaker:* We, your Committee on State Boards and Officers, to whom was referred Senate Bill No. 39, a bill for an act entitled an act to amend Section 144, Fifth Division, of the Compiled Statutes of Montana, report the same back with the recommendation that it do pass.

WHALEY,  
Chairman.

Report adopted.

S. B. No. 39, placed on General Orders.

Ways and Means Committee made following report:

*Mr. Speaker:* Your Committee on Ways and Means, acting with a like Committee from the Senate, have visited the State Penitentiary at Deer Lodge, and would beg leave to make the following report:

We visited said institution on the 8th inst. with the Honorable Senators Redd, Power and Buford, and carefully looked over the



situation. We found the buildings in a good, clean, comfortable and sanitary condition, with the exception, of the log apartments recently erected to accommodate the increasing number of prisoners, which were so crowded as to render it impossible to preserve in them that degree of cleanliness and comfort to be desired. After consulting privately with many of the prisoners confined in the cells of the prison and some of those confined in the log houses, in the yard, we found that, with but few exceptions, they expressed themselves as being well satisfied with their treatment so far as the contractors were concerned, and many of them stated that they could not hope for better treatment under any other system. They were, however, quite sure, as was your committee, that they would be much happier and in every way much better off were they permitted some daily employment which would give exercise for the body and provide some object of interest for the over restless mind, such as the shaping of useful articles. Some of them were competent mechanics before they became inmates of the penitentiary. How to bring about this desirable change, your committee, with its limited time in which to consider the subject, is but partially enabled to determine. We feel that the object in confining the prisoners should be first briefly considered, and the conclusion reached should guide our actions. In the first place, is this confinement for punishment alone, or is it for reformation as well as punishment? If wholly for punishment, then the present arrangement of confining the prisoners in cells for the greater part of the time, with no occupation for the body and less, if possible, for the mind, attains the end in view, and your committee would then have no change to recommend, but your committee believes that reformation, not less than punishment, should be the motive prompting our relations with these prisoners, that the prison should not only be considered a place of punishment but as a place where reformation is possible. The primary object of imprisonment is the protection of society, and there is no other. Your committee believe this protection can best be secured by teaching each prisoner some useful employment while confined, with the hope that, when released, he will use the knowledge thus gained in earning an honest livelihood.

Your committee believe that confinement without employment is not best, and, therefore, recommends that a wide latitude be



given by law to our State Board of Prison Commissioners to make provision for the care and custody of the convicts, and if, in their judgment, a change of location would best subserve the interests of the State and contribute to the well being of the prisoners, that they shall have power to make such change, as for instance, to locate the State's Prison on the line of some railroad and in the neighborhood of a good stone quarry, where many of the prisoners could be employed in quarrying and cutting stone, and placing the same in the erection of a building to be used for the better care and protection, and in some of the many States institutions we will need in the future. We recommend that an appropriation of one hundred thousand dollars be made for the purpose of enabling the State Board of Prison Commissioners to provide suitable quarters for the State convicts, and to carry out the other recommendations herein offered. We would also recommend that they employ the trusty prisoners in quarrying stone, and otherwise in the buildings of such quarters.

We would further recommend that the plans and specifications furnished by D. F. McDevitt to your committee, be followed, if, in the judgment of the State Board of Commissioners it is best to permanently locate the penitentiary at Deer Lodge, but if in their judgment it is best to locate said institution elsewhere, we would recommend that they adopt such plans and specifications as to them may seem best.

We would also recommend that a reasonable sum be paid the present contractors for the additional buildings they have been compelled to erect for the housing of convicts.

BEACH,  
Chairman.

Report adopted.

Messrs. Beach and Wing were granted leave to introduce bills without previous notice.

On motion of Wallace the following House bills were read first and second times by title:

H. B. No. 161, referred to Printing Committee.

H. B. No. 162, referred to Printing Committee.

H. B. No. 163, referred to Printing Committee.

H. B. No. 164, referred to Printing Committee.

H. B. No. 165, referred to Printing Committee.

Eaton granted leave to introduce bill without previous notice.

Mr. Frank made following report:

*Mr. Speaker:* Your Committee having under consideration House Bills and Senate Bills for the purpose of selecting the most important for immediate action, recommend that H. B. Nos. 121, 119, 101-3, and S. B. No. 25 be taken up immediately. That H. B. No. 118 be made a special order for 10 A. M. tomorrow, the 25th inst. They ask further time to make a complete report.

FRANK,  
Chairman.

On motion of Harlan, House took a recess until 2 P. M.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker pro tem Humber in the chair.

Committee on Public Lands made following report:

*Mr. Speaker:* Your Committee on Public Lands, having had H. B. No. 101 under consideration, an act entitled an act to define the powers and prescribe the duties of the State Board of Land Commissioners of the State of Montana, beg leave to report the same back with the recommendation that it do pass.

CLARK,  
Chairman.

Report adopted.

H. B. No. 101 placed on General Orders.

On motion of Frank, House resolved itself into Committee of the Whole for the consideration of House Bills Nos. 121, 119, 101-3, and S. B. No. 25.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

The following communication was received from the Senate:

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bills No. 112, Substitute No. 150, Substitute No. 151 and House Bills No. 113 and 114 have passed the (Senate?) and are herewith submitted.

JNO. J. FALLON,  
Secretary.

House again resolved itself into Committee of the Whole for further consideration:

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

A communication received from the Governor.

House resolved itself into Committee of the Whole for further consideration of General Orders.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

The following communication received from the Senate:

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B. No. 120 has passed the Senate and is herewith transmitted.

JOHN J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the following bill has been introduced in the Senate:

S. B. No. 63, By Senate Finance and Claims Committee:

A bill for an act relating to interest on county funds and prescribing the duties of County Commissioners and County Treasurers with reference thereto.

JNO. J. FALLON,  
Secretary.

H. Bills Nos. 112, 150 and 151 were referred to Enrollment Committee.

House again resolved itself into Committee of the Whole for further consideration of General Orders.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Committee on Enrollment made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report House Bill No. 112, an act appropriating certain moneys to pay for the care and keeping of State convicts. Also S. H. B. No. 150, an act fixing the per diem of the officers and attaches of the House of Representatives of the Second Legislative Assembly of the State of Montana. Also Substitute for H. B. No. 151, an act fixing the per diem of the officers and attaches of the Senate of the Second Legislative Assembly of the State of Montana, correctly enrolled.

DAY,  
Chairman.

Report adopted.

Mr. Speaker pro tem Humber informed the House that he was about to sign H. B. No. 112, S. H. B. No. 150 and S. H. B. No. 151, and signed the same in the presence of the House.

House resolved itself into Committee of the Whole for the further consideration of General Orders.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Harlan, Chairman Committee of the Whole, asked for further time to make report.

On motion of Thompson, House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem Humber in the chair.

Monteath asked permission to introduce a petition remonstrating against repeal of Sunday law, signed by H. Moss and 500 others.

Referred to Committee on Towns, Counties and Highways.

Enrollment Committee made following reports:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they presented to Gov. Jos. K. Toole, on February 21st, 1891, at 2:30 P. M., the following House Bills:

H. B. No. 8, an act requiring certain county and district officers to report the fees and emoluments received by them to the County Commissioners, and requiring the County Clerks to (report) the substance thereof to the State Auditor, and for the publication of the same.

H. B. No. 16, an act providing for the submission to the qualified electors of the State, an amendment to Sec. 4, Article 16, of the Constitution, relating to County Commissioners.

H. B. No. 37, an act entitled an act amending Section 92, Fourth Division of the Compiled Statutes of Montana, relating to embezzlement.

H. B. No. 39, an act to provide an index to District Court records.

H. B. No. 77, an act appropriating money to pay for the care, custody and maintenance and treatment of the insane.

H. B. No. 78, an act appropriating money to pay the salary, office and traveling expenses of the State Veterinary Surgeon.

House Bill No. 80, an act appropriating money to pay the salaries, office and traveling expenses of the Inspector and Deputy Inspector of Mines.



H. B. No. 103, an act appropriating certain moneys for the care and maintenance of the insane.

DAY,  
Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this, the 24th day of February, 1891, presented to Gov. Jos. K. Toole:

H. B. No. 112, an act appropriating certain moneys to pay for the care and keeping of the State convicts.

Also, S. H. B. No. 150, an act fixing the per diem of the officers and attaches of the House of Representatives of the Second Legislative Assembly of the State of Montana.

Also, S. H. B. No. 151, an act fixing the per diem of the officers and attaches of the Senate of the Second Legislative Assembly of the State of Montana, at 4:45 P. M.

DAY,  
Chairman.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following bills as correctly enrolled:

H. B. No. 120, an act appropriating money for the relief of A. C. Witter and others.

H. B. No. 113, an act appropriating money for the relief of Jessie P. Stafford for services rendered the State of Montana.

H. B. No. 114, an act appropriating money for the relief of A. P. Brown for services rendered the State of Montana.

DAY,  
Chairman.

Reports adopted.

Mr. Speaker pro tem Humber gave notice that he was about to sign House Bills Nos. 120, 113, 114, and signed same in presence of the House.

Engrossment Committee made following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to return H. B. No. 11, entitled an act concerning compensation of county, district and township officers, as correctly engrossed.

POOL,  
Temp. Chairman.

Report adopted.

H. B. No. 11 placed on File for third reading.

Special Committee made following report:

*Mr. Speaker:* Your special committee, consisting of the members from the county of Lewis and Clarke, to whom was referred H. B. No. 135, a bill for an act to amend an act to incorporate the City of Helena, approved February 22d, 1881, and all acts amendatory thereto, beg leave to report the same back to your honorable body with the following amendments, to-wit:

Amend section 1 of printed bill, as follows: insert after the word "Montana," line 4, the words "having been so heretofore." Second: Strike out the word "constituted" in said line and substitute in lieu therefor the word "continued."

Amend section 3, of article 6, of printed bill as follows:

First: Strike out the words "two thousand," in line 415, and substitute in lieu thereof the words "fifteen hundred." Also strike out the words, "three thousand" in line 415 aforesaid and substitute in lieu thereof the words "two thousand." Add to the said bill under the title schedule, at the end thereof, the following: "The within act shall not take effect or be in force until after the same shall have received a majority of favorable votes at the elections hereinafter provided for."

Sec. 2. On Monday, the 23d day of March, 1891, the question of the adoption of the within act as the charter of the city of Helena, shall be submitted at the special election to be then called by the City Council upon ten day's published notice thereof, theretofore given in the newspaper or newspapers of general circulation within the said City, which said election shall be called and conducted, the vote thereon canvassed and returned in

the same manner as is now provided in cases of general elections within the said city of Helena, and at which the sole question for consideration shall be the adoption of the foregoing act as the charter of said city, save and except that no new registration shall be required of voters at the said election, and further provided that the ballots shall be simple in form, containing thereon, the words; "for the amended charter" and "against the amended charter," in separate lines one below the other, and in the event the said election so called and held, a majority of all the votes cast shall be for the said amended charter, then and in that event and upon the declaration of the said result of the said election, the said amended charter shall, by virtue thereof, become the charter of the city of Helena, and this act shall go into instant force and effect.

It is further provided that as speedily as may be after the passage of this act the City Council of the City of Helena, shall cause to be published in one newspaper of general circulation within the City, a full copy of this act for the full period of at least ten days, and with the foregoing amendments your Committee respectfully recommend the passage of the bill.

R. H. HOWEY,

Acting Chairman Special Committee.

Report adopted.

H. B. No. 135 placed on General Orders.

On motion of Wallace, House resolved itself into Committee of the Whole for consideration of H. Bills Nos. 3 and 135, and Senate Bill No. 10.

Committee arose.

House resumed.

Mr. Speaker pro tem Humber in the chair.

Loud, Chairman Committee of the Whole, asked for further time to report.

On motion of Wallace, House resolved itself into Committee of the Whole for the consideration of H. Bills No. 20 and 15.

Committee arose.

House resumed.

Mr. Speaker pro tem Humber in the chair.

Harlan, Chairman Committee of the Whole, asked for further time to report.

On motion of Goodman, House adjourned.

CHAS. Z. POND,

Chief Clerk.

## FIFTY-SECOND DAY.

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HOUSE OF REPRESENTATIVES,

Helena, Montana, February 25th, 1891.

House met pursuant to adjournment.

Mr. Speaker pro tem Humber in the chair.

Roll called.

Prayer by Chaplain.

Quorum present.

Journal of fifty-first day read and approved.

Following communication was received from Governor.

*To the House of Representatives:*

I have approved the following bills:

H. B. No. 8—An act requiring certain county officers to report fees to the County Commissioners, and requiring County Clerks to report to State Auditor for publication.

H. B. No. 16—An act providing for the submission to the qualified voters of the State of an amendment to Section 4, Article 16, of the Constitution

H. B. No. 37—An act entitled an act amending Section 92, Fourth Division, Compiled Statutes of Montana, relating to embezzlement.

H. B. No. 39—An act to provide an index to District Court records.



H. B. No. 77—An act appropriating money for the care, custody, maintenance and treatment.

H. B. No. 78—An act appropriating money to pay the salary, office and traveling expenses of the Veterinary Surgeon.

H. B. No. 80—An act appropriating money to pay the salaries, office and traveling expenses of the Inspector and Deputy Inspector of Mines.

H. B. No. 103—An act appropriating certain monies for the care and maintenance of the insane.

[Signed]

JOS. K. TOOLE,  
Governor.

Burns presented petition from citizens of Silver Bow Co. signed by A. H. Barrett and 60 others, asking for the enactment of a Sunday law.

Referred to Committee on Towns, Counties and Highways.

Frank presented petition from Sol. Lukey and 100 others, asking for the repeal of Sunday law.

Referred to Committee on Towns, Counties and Highways.

Committee on Engrossment made following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to return H. B. No. 19, entitled, an act regulating state and county printing, with provisions for violation of the same, as correctly engrossed.

WING,  
Temp. hairman.

Report adopted.

*Mr. Speaker:* Your Committee on Engrossment beg leave to return H. B. No. 91, entitled, an act to amend Section 731, of Chapter XXXVIII, of the Fifth Division, Compiled Statutes of Montana, defining the boundaries of Deer Lodge County, and to render the same definite, correctly engrossed.

WING,  
Temp. Chairman.

Report adopted.

H. B. No. 19 placed on file for third reading.

H. B. No. 91 placed on file for third reading.

Committee on Privileges and Elections made following report:

*Mr. Speaker:* Your Committee on Privileges and Elections, having had under consideration H. B. No. 53, a bill for an act entitled an act to create State and County Canvassing Boards, and to define the duties of the same, beg leave to report the same back without recommendation.

Also H. B. No. 117, A bill for an act providing for the election of State and County officers and the canvassing of the returns of said election, beg leave to report the same back without recommendation.

WOODSON,  
Chairman.

Report adopted.

H. B. No. 53 placed on General Orders.

H. B. No. 117, placed on General Orders.

Conference Committee made following report:

*Mr. Speaker:* Your Committee on Conference on Senate amendment to H. B. No. 9, report that they have agreed to amend Senate amendment to said bill by striking out the ten and inserting fifteen in lieu thereof.

Title of H. B. No. 9, an act fixing the fee for the performance of certain official duties by the Secretary of State.

NORTON,  
Chairman House Conference Committee.

Report adopted.

Clerk instructed to communicate with Senate that House Conference Committee report was adopted.

Committee on Military Affairs made following report:

*Mr. Speaker:* Your Committee on Military Affairs, to whom was referred H. R. No. 123, relating to change in military code, report the same with the recommendation that the same do pass.

PHILLIPS,  
Chairman.

Report adopted.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to make following report:

H. B. No. 11, an act concerning compensation of county, district and township officers, together with the amendments of the Committee of the Whole adopted by the House, report the same back as correctly printed, with the following exceptions:

In section 2, line 5, of printed bill, the word "nine" should be "eight;" in same section, line 7, the word "nine" should be "eight;" in section 5, line 3, the word "certify" should be "verify."

H. B. No. 145, an act to amend Section 1353 of Chapter 81, Compiled Statutes of Montana, also,

H. B. No. 147, an act for the preservation and protection of non-indigenous fish in the waters of Montana.

H. B. No. 146, an act providing additional revenue for the support of the State Law Library.

H. B. No. 154, an act amending Section 348 of Chapter 22, Fifth Division, General Laws of Montana.

H. B. No. 153, an act to establish a State Fish and Fishery Commission, etc.

H. B. No. 155, an act amending Section 428 of 22nd Chapter, Fifth Division, Compiled Statutes of Montana.

H. B. No. 148, for the relief of R. G. Humber.

H. B. No. 138, to locate and endow a State Normal School.

H. B. No. 156, to fix the hours of a legal day's work.

H. B. No. 133, to create the office of Inspector of Mines and to define his duties.

H. B. No. 158, defining the authority and duties of road supervisors.

H. B. No. 144, concerning building and loan associations.

H. B. No. 115, to provide for an agricultural college.

Beg leave to report the same as correctly printed, with the exception of errors in the following bills:

H. B. No. 153, in section 4, line 7, the word "registration" instead of "requisition."

H. B. No. 155, in section 1, line 19, the word "herein" instead of "hereinafter."

H. B. No. 138, in section 8, line 3, the word "next" is omitted before the words "annual meeting."

H. B. No. 139, in section 2, line 17, the word "once" is omitted before the word "assessed," the word "who" is omitted before the word "proposes" in line 19, section 2, in section 2, line 24, the word "a" is printed instead of "any."

H. B. No. 144, in section 1, line 18, the word "situated" is omitted before the word "within." In section 2, line 14, the word "so" is omitted before the word "comply." In section 3, line 4, the word "its" is omitted before the word "incorporation." In section 3, line 11, the word "procuring" is printed "producing." In section 14, line 1, the word "and" is omitted before the word "of." Section 15, the word "take" is omitted before the word "effect," also the words "and approval" are omitted after the word "passage."

Respectfully submitted,

HARDENBROOK,

Chairman.

Report adopted.

H. B. No. 145, referred to Committee on Ways and Means.

H. B. No. 139, referred to Committee on Ways and Means.

H. B. No. 147, referred to Committee on Agriculture and Stock Growing.

H. B. No. 146, referred to Committee on Judiciary.

H. B. No. 154, referred to Committee on Towns, Counties and Highways.

H. B. No. 155, referred to Committee on Towns, Counties and Highways.

H. B. No. 158, referred to Committee on Towns, Counties and Highways.

H. B. No. 153, referred to Committee on Internal Improvement.

H. B. No. 148, referred to Committee on Appropriation.

H. B. No. 138, referred to Committee on Education.

H. B. No. 156, referred to Committee on Labor.

H. B. No. 133, referred to Committee on Mines and Minerals.

H. B. No. 144, referred to Committee on Incorporations and Manufactures.

H. B. No. 115, referred to Committee on Incorporations and Manufactures.

Engrossment Committee made following report:

*Mr. Speaker:* Your Committee on Engrossment find H. bills Nos. 110, 44, 82, 48, 95, and 111, correctly engrossed and herewith return same.

KEMPLAND,

Chairman.

Report adopted.

House bills Nos. 110, 111, 44, 82, 48, 95, were placed on file for third reading.

Committee on Appropriations made following report:

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. No. 130, entitled, an act appropriating money for the ordinary expenses of the State Government for the fiscal years ending Dec. 31st, A. D. 1891, and Dec. 31st, A. D. 1892, recommend that the title be amended by striking out the words "Dec. 31st," and inserting in lieu thereof the words "Dec. 1st;" also in section 1 strike out the words "Dec. 31st," wherever they occur, and insert in lieu thereof the words "Dec. 1st;" also in section 1, make clerk hire for State Board of Equalization "\$1,500.00" instead of "\$1,200.00."



Also, amend section 1 by inserting the following words, "State Board of Examiners, clerk hire, \$600.00," and as so amended recommend that the bill do pass.

TOOLE,  
Chairman.

Report adopted.

H. B. No. 130 placed on General Orders.

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. No. 126, entitled an act to appropriate money to pay the bounties on certain stock destroying animals, and report the same back with the recommendation that it be laid on the table.

TOOLE,  
Chairman.

On motion, report on H. B. No. 126 was laid on table.

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. No. 26, entitled, "an act relating to the assessment of mortgages and other property," and report the same back with the recommendation that it be laid on the table.

TOOLE,  
Chairman.

On motion of Toole, H. B. 26 was placed on General Orders.

*Mr. Speaker:* Your Committee on Appropriations have had under consideration S. B. No. 41, entitled, an act to provide clerical assistance for the State Board of Examiners, and report the same back with the recommendation that it be laid upon the table.

TOOLE,  
Chairman.

Report adopted.

H. B. No. 41 laid on table.

*Mr. Speaker:* Your Committee on Appropriations have had under consideration S. B. No. 37, entitled an act concerning the

Historical Society of the State of Montana, and making an appropriation therefor, and herewith report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

Report adopted.

S. B. No. 37 placed on General Orders.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. Bills Nos. 3, 135, and S. B. No. 10, beg leave to report H. B. No. 3 amended by striking out Section 3 and, as amended, recommend it do pass.

S. B. No. 10, Amend by adoption of Committee amendments. Strike out the word "mercantile" in line four. Insert the No. "460" after the No. "446" in title; also insert the figures "472" after the figures "469" in title. Insert the following, to be numbered Sec. 6:

Section 460 of said laws be amended so as to read as follows: Section 460. Every such company shall annually, within twenty days from the first day of September, make report, which shall be published in some newspaper published in the town, city or village, or if there be no newspaper published in said town, city or village, then in some newspaper published nearest the place where the business of said company is carried on, which shall state the amount of capital and of the proportion actually paid in and the amount of existing debts, which report shall be signed by the President and a majority of the Trustees, and shall be verified by the oath of the President or Secretary of said Company, and filed in the office of the Clerk of the County where the business of the Company shall be carried on, and if any of said Company shall fail to do so, all the Trustees of the Company shall be jointly and severally liable for all debts of the Company then existing, and for all that shall be contracted before such report shall be.

Amend Committee amendment by striking out 15 and inserting 10.

H. B. No. 135, recommend it do pass, as recommended by special committee.

LOUD,  
Chairman.

*Mr. Speaker:* Your Committee, to whom was referred H. B. No. 32, have duly considered the same and beg leave to report back the same with amendments herewith submitted, and as so amended recommend that the bill do pass.

[Signed]

HASTIE.  
WHALEY.  
GOODMAN.  
MORAN.  
MITCHELL.  
J. W. BLAIR.  
Committee.

Amend by striking out the words "Judges" and "superior" in line 11, Sec. 4, and substitute the words "Judge" and "district" in lieu thereof.

The words "gold coin" in line 18, Section 15, be stricken out and the words "lawful money" be inserted instead.

The words "gold and silver" in line 11 and 12, Section 24, and in line 2 and 3, Section 29, be stricken out and the words "lawful money" be substituted therefor in each of the said sections: Also substitute the word "assigns" for the word assignees" in line 5, Section 29.

The words "Boards of Directors" be substituted for the words "Water Commissioners" in line 3, Section 43.

Insert the words "to time" after the word "time" in line 7, Section 59.

In Section 62, substitute the word "thereto" for the word "thereunto" in line 3, and the word "person" for the word "persons" in line 4; also insert the words "such boards" after the word "with" in line 8, same section.

Insert the word "district" in lieu of the word "superior" in line 1, Section 74.

On motion of Loud, report adopted.

H. B. No. 32, placed on General Orders.

Wallace made following motion:

That H. B. No. 11 be referred to a special committee with instructions to forthwith amend the same by striking out all of Section 12 of said Act, being the Section providing that the act shall not go into effect until 1893.

Norton moved to lay motion on the table and carried by following aye and no vote:

Ayes—Breen, Carney, Dusseault, Eaton, Frank, Goodman Harrington, Hastie, Hoffman Hollywood, Horsky, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Roberts, Stebbins, Thompson, Wing, Mr. Speaker pro tem, Whaley.

Ayes—24.

Noes—Barrows, Beach, Boardman, Blair, Blake, Burns, Crutchfield, Hardenbrook, Higgins, Hughes, Kempland, McElwee, Mitchell, Phillips, Poole, Toole, Twohy, Wallace, Woodson, Cory, Harlan, Holter, Waite.

Noes—23.

Total vote—47.

The following motion was made by Barrows:

I move that House Bill No. 11, be referred to special committee, with instructions to report the same back to the House immediately, with the following amendment: Strike out Sec. 12 and substitute in lieu thereof the following:

SEC. 12. This act to take effect from and after the 1st of January 1892.

J. R. BARROWS,

Norton moved to lay upon table motion carried, and carried by following aye and noe vote:

Ayes—Breen, Cory, Dusseault, Eaton, Frank, Goodman, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Roberts, Stebbins, Thompson, Waite, Wing, Mr. Speaker.—Ayes, 26.

Noes—Barrows, Beach, Boardman, Blake, Blair, Burns, Carney, Crutchfield, Hardenbrook, Higgins, Hughes, Kempland, McElwee, Mitchell, Phillips, Poole, Toole, Twohy, Wallace, Whaley, Woodson.—Noes, 21.

The following bills were introduced:

H. B. No. 166, read first and second times.

Referred to Printing Committee.

H. B. No. 167, read first and second times.

Referred to Printing Committee.

H. B. No. 168, read first and second times.

Referred to Printing Committee.

S. B. No. 14 was read third time and placed on final passage, and passed by following aye and noe vote.

Ayes—Barrows, Boardman, Blake, Breen, Burns, Carney, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hollywood, Holter, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Roberts, Stebbins, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker pro tem.—Ayes, 42.

Noes—Beach, Blair, Poole, Schmidt, Twohy.—Noes, 5.

Total vote, 47.

On motion, Goodman, House took a recess until 2 o'clock P. M.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker pro tem in chair.

House resumed order of business.

Third reading of Senate bills.

S. B. No. 44, read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Breen, Burns, Carney, Day, Dusseault, Eaton, Goodman, Hardenbrook,



Harlan, Harrington, Hastie, Higgins, Hoffman, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Wing, Woodson, Mr. Speaker pro tem.—Total 43.

Yeas—43.

Noes—0.

Whaley moved to reconsider vote of this morning on H. B. No. 11,

Chair refused to entertain motion.

Wallace appealed from decision of the Chair.

Loud moved to lay on table and lost by following aye and noe vote:

Ayes—Breen, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Roberts, Thompson, Wing.—Ayes 18.

Noes—Barrows, Beach, Boardman, Blair, Blake, Burns, Carney, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Horsky, Hughes, Kempland, McElwee, Mitchell, Phillips, Penrose, Poole, Stebbins, Toole, Twohy, Waite, Wallace, Whaley, Woodson.—Noes 28.

Total vote—46.

Wallace appeal from decision of Chair then put and carried by following aye and noe vote:

Ayes—Breen, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Penrose, Roberts, Stebbins, Thompson, Wing—Total 20.

Noes—Barrows, Beach, Boardman, Blair, Blake, Burns, Carney, Cory, Crutchfield, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell,

Phillips, Poole, Toole, Twohy, Waite, Wallace, Whaley, Woodson, Day—Noes 27.

Total vote 47.

Yeas—20.

Noes—27.

Whaley moved to reconsider vote by which Barrows motion was lost.

On motion of Loud, a call of House was had, roll called and there were absent Blakeley, Hollywood, and Clark.

Further proceedings under the call were then dispensed with.

Chair announced that motion of Wallace was in order.

Goodman appealed from the decision of the Chair, and Chair was sustained by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake Burns, Cory, Crutchfield, Day Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, Loud, McElwee, Mitchell, Newcomer, Phillips, Poole, Toole, Twohy, Waite, Whaley, Woodson—Total 28.

Noes—Breen, Carney, Dusseault, Eaton Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Moran, Monteath, Norton, Penrose, Poberts, Stebbins, Thompson, Wing—Total 19.

Total vote—47.

Ayes—28.

Noes—19.

Wallace motion then put and carried by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Burns, Cory Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland. Loud, McElwee, Mitchell, Moran Newcomer, Phillips, Poole, Toole, Twohy, Waite, Wallace, Whaley, Woodson—Total 29.

Noes—Breen, Carney, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Monteath, Nor-

ton, Penrose, Roberts, Stebbins, Thompson, Mr. Speaker, Wing,  
—Total 19.

Total—46.

Ayes—29.

Noes—19.

Message received from Senate.

Norton moved recess for twenty minutes.

Lost.

Whaley moved that vote by which Barrows resolution was  
lost be reconsidered.

Norton moved to lay on table.

Lost by following aye and noe vote:

Ayes—Breen, Carney, Dusseault, Eaton, Frank, Goodman,  
Harrington, Hastie, Hoffman, Hollywood, Howey, Lochray,  
Loud, Moran, Monteath, Newcomer, Norton, Phillips, Penrose,  
Roberts, Stebbins, Thompson, Wing, Mr. Speaker—Total 24.

Noes—Barrows, Beach, Boardman, Blair, Blake, Burns, Cory,  
Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky,  
Hughes, Kempland, McElwee, Mitchell, Poole, Toole, Twohy,  
Waite, Wallace, Whaley, Woodson—Total 25.

Total—49.

Ayes—24.

Noes—25.

Wallace called for previous question.

Seconded by five members, and carried by following aye and  
noe vote:

Aye—Barrows, Beach, Boardman, Blair, Blake, Burns, Cory,  
Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter,  
Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Toole,  
Twohy, Waite, Wallace, Whaley, Woodson.

Noes—Breen, Carney, Dusseault, Eaton, Frank, Goodman,  
Harrington, Hastie, Hoffman, Hollywood, Howey, Lochray, Loud,  
Moran, Monteath, Newcomer, Norton, Phillips, Penrose,  
Roberts, Stebbins, Thompson, Mr. Speaker, Wing.

Total vote—49.

Ayes—25.

Nays—24.

Whaley moved to reconsider vote by which Barrows' amendment was lost.

Loud offered amendment to Barrows' amendment that committee report on March 10th.

Wallace moved previous question, and ordered by following aye and nay vote:

Barrows, Beach, Boardman, Blair, Blake, Burns, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, Loud, McElwee, Mitchell, Poole, Toole, Twohy, Waite, Wallace, Whaley, Woodson.

Noes—Breen, Carney, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Hollywood, Howey, Lochray, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson, Wing.

Total—48.

Ayes—26.

Noes—22.

Loud's amendment put and lost by following aye and nay vote:

Aye—Breen, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Hollywood, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson, Wing.

Noes—Barrows, Beach, Boardman, Blair, Blake, Burns, Carney, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Toole, Twohy, Waite, Wallace, Whaley, Woodson.

Ayes—22.

Noes—26.

Total—48.

Barrows' amendment then put and passed by following aye and no vote.

Ayes—Barrows, Beach, Boardman, Blair, Blake, Burns, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Toole, Twohy, Waite, Wallace, Whaley, Woodson.

Noes—Breen, Carney, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Hollywood, Howey, Wing, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson, Mr. Speaker.

Total—49.

Ayes—25.

Noes—24.

The chair appointed the following committee, in compliance with Barrows' motion:

Beach, Barrows and Frank,

The Committee made the following report:

We recommend the adoption of the report of the Committee of the Whole House when it is amended by striking out all of Section 12, as recommended by said Committee, and the insertion of the following in lieu thereof:

SEC. 12. This Act to take effect and and be in force from and after January 1st, 1892.

(Signed.)      BEACH,  
BARROWS.

Report of special committee was then adopted by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blake, Blair, Burns, Carney, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Toole, Twohy, Waite, Wallace, Whaley, Woodson.

Breen, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Hollywood, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson, Wing, Mr. Speaker.

Total—49.

Ayes—26.



Noes—23.

Moved by Wallace that bill be referred to Engrossing Committee.

On motion of Toole, rules suspended and House resolved itself into Committee of the Whole to consider H. B. Nos. 99, 148, 141, 101, S. H. B. No. 5.

Committee of sixteen made following report:

*Mr. Speaker:* Your Committee of sixteen appointed to select legislation make the following report; that all bills that have been considered in the Committee of the Whole be placed on their final passage as soon as possible. That the following bills be placed on list No. 1 for immediate consideration:

H. B. 101, S. B. 5, H. B. 50, H. B. 165, S. B. 11, H. B. 13, S. B. 18, S. B. 25, H. B. 97, H. B. 168, J. M. 3, S. M. 2, H. B. 64, H. B. 99, H. B. 73, 118, 128, 129, 45, S. B. 26, H. B. 116, 32, 59, 84, 102, 112, 53, 117, 126, 141, 130, 149, 132, 47, 135, 143, 148, S. B. 20, H. B. 164, 163, 33, 162, 160, 124, 87, H. B. 145, 139, 142, 27, S. B. 13, 29, 28, H. B. 90, 94, 154, 155, 156, 158, S. B. 52, H. B. 159, 161, 140.

That a copy of this report be sent to the Senate.

FRANK,  
Chairman.

S. Bills and H. Bills were made special order for third reading immediately after reading of Journal on 26th inst.

H. B. No. 118 made special order after the reading of Senate and House bills.

H. B. No. 101 and S. H. B. No. 5, made special order for 7:30 P. M. this evening.

Frank asked permission to make report from Committee on Towns, Counties and Highways.

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 124, entitled, an act to create the office of County Auditor, report that it pass with the following amendments:

Amend section 1 by striking out "seven millions dollars" and insert "eight million dollars" in lieu thereof.

Amend by adding after section 9 as follows:

SECTION 10. The County Auditor hereby created is also made County Superintendent of the Poor, whose duty it shall be, under such rules and regulations as may be prescribed by the County Commissioners, to care for and examine all claims that may be made upon the County for charity. Also to have, under the direction of the County Commissioners, general supervision of the county poor house or farm.

Amend by re-numbering sections 10 and 11 of the printed bill to read 11 and 12, respectively.

That Senate Bill No. 7 be passed.

FRANK,  
Chairman.

H. B. No. 124 placed on General Orders.

S. B. No. 7 laid on table.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing, to whom was referred H. B. No. 149, appropriating money for the building of State's prison, and Substitute for H. B. No. 84, concerning the granting of pardons, etc., beg leave to report the same back correctly printed.

HARDENBROOK,  
Chairman.

H. B. No. 149 referred to Committee on Appropriations and Claims.

S. H. B. No. 84 placed on General Orders.

Enrollment Committee made following report:

*Mr. Speaker:* Your Committee on Enrollment have on this day, Feby. 25th, 1891, delivered to Gov. Jos. K. Toole, the following House Bills, at 11:35 A. M:

H. B. No. 113—An act appropriating money for the relief of Jessie P. Stafford for services rendered the State of Montana.

H. B. No. 114—An act appropriating money for the relief of A. P. Brown for services rendered the State of Montana.

H. B. No. 120—An act appropriating money for the relief of A. C. Witter and others.

DAY,  
Chairman.

Norton introduced the following resolution;

*Resolved*, That the Committee on Appropriations be requested to furnish the House with a statement of the amount of money now appropriated and now under consideration for appropriating funds out of the treasury.

Resolution adopted.

On motion of Frank, House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

On motion, House resolved itself into Committee of the Whole for the consideration of H. B. No. 101, and S. H. B. No. 5.

Committee arose.

Mr. Speaker pro tem in the chair.

Mr. Harlan, Chairman Committee of the Whole, asked for further time to make report.

The following communications received from the Senate:

Helena, Montana, February 25th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that Senate bill No. 52 was read a third time and lost.

JNO. J. FALLON,  
Secretary.

That H. B. No. 1 has passed the Senate and is herewith transmitted.

JNO. J. FALLON,  
Secretary.

That substitute H. B. No. 14 has passed the Senate and is herewith transmitted.

JOHN J. FALLON,  
Secretary.

That House bill No. 23, and S. B. No. 17 have passed the Senate and are herewith transmitted.

JNO. J. FALLON,  
Secretary.

That House bills Nos. 89, 72, and 76 have passed the Senate and are herewith transmitted.

JNO. J. FALLON,  
Secretary.

That H. B. Nos. 12 and 62, as amended, and S. B. No. 24, have passed the Senate and are herewith transmitted:

The following bills have been introduced in the Senate as follows:

S. B. No. 64, by Redd:

A bill for an act concerning the practice of medicine in Montana.

S. B. No. 65, by Goddard:

A bill for an act to authorize and require district judges to perform judicial duties for another district judge in certain cases.

I am also directed by the Senate to advise your honorable body that the Governor has approved Senate bill No. 1.

JNO. J. FALLON,  
Secretary.

S. H. B. No. 14 referred to Enrollment Committee.

H. B. No. 1 referred to Enrollment Committee.

H. B. No. 72 referred to Enrollment Committee.

H. B. No. 76 referred to Enrollment Committee.

Senate amendments to H. B. No. 12 were concurred by following aye and no vote.

Ayes—Barrows, Beach, Breen, Burns, Carney, Crutchfield, Dusseault, Eaton, Frank, Hardenbrook, Harlan, Harrington, Higgins, Hoffman, Hollywood, Holter, Howey, Kempland, Lochray, McElwee, Mitchell, Monteath, Newcomer, Norton, Poole, Roberts, Twohy, Thompson, Whaley, Wing, Mr. Speaker.

Ayes—31.

Noes—Boardman, Blake, Moran.

Noes—3.

Total—34.

Senate amendments to H. B. No. 62 were concurred in by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blake, Breen, Burns, Carney, Crutchfield, Dusseault, Eaton, Frank, Hardenbrook, Harrington, Higgins, Hoffman, Hollywood, Holter, Howey, Kempland, Lochray, McElwee, Mitchell, Monteath, Newcomer, Norton, Poole, Roberts, Twohy, Thompson, Whaley, Wing, Mr. Speaker.

Ayes—32.

Noes—Harlan, Moran.

Noes—2.

Total—34.

Senate amendment to H. B. No. 89 were concurred in by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blake, Breen, Burns, Carney, Crutchfield, Dusseault, Eaton, Frank, Hardenbrook, Harlan, Harrington, Higgins, Hoffman, Hollywood, Howey, Kempland, Lochray, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Poole, Roberts, Twohy, Thompson, Whaley, Mr. Speaker—Total 32.

Ayes—32.

Noes—0.

Total vote—32.

The following communication received from the State Board of Examiners:



Helena, Mont., Feby. 25th, 1891.

*To the House of Representatives of the Legislative Assembly of  
the State of Montana:*

We have the honor to transmit herewith the following claims:

Dudley Halford,.....	\$ 179 00
Which has been approved for the sum of.....	179 00
W. J. Penrose,.....	53 80
Which has been approved for the sum of.....	53 80
Eugene Sullivan, No. 99.....	56 60
Which has been dis-allowed.....	
Mrs. J. C. Kinna,.....	13 25
Which has been approved for the sum of.....	13 25
Prof. G. C. Swallow,.....	48 75
Which has been approved for the sum of.....	43 75
Chas F. Mussigbrod,.....	56 60
Which has been approved for the sum of.....	56 60
Douglas Sampson,.....	8 00
Which has been approved for the sum of.....	8 00
J. M. Ramsey,.....	153 00
Which has been approved for the sum of.....	153 00
Maurice Sullivan,.....	521 50
Which has been approved for the sum of.....	501 50
Chas. T. Rader,.....	75 00
Which has been approved for the sum of.....	75 00
Ed. J. Jones,.....	1384 00
Which has been approved for the sum of.....	1111 20
D. H. Heyfron,.....	107 20
Which has been approved for the sum of.....	64 20
Eugene Sullivan,.....	283 60
Which has been approved for the sum of.....	283 60
W. H. Houston,.....	824 60
Which has been approved for the sum of.....	824 60
J. D. Taylor,.....	260 50
Which has been approved for the sum of.....	260 50

A. C. Rose,.....	226 75
Which has been approved for the sum of.....	226 75
J. M. Robertson,.....	211 90
Which has been approved for the sum of.....	211 90
Eugene Sullivan.....	674 88
Which has been approved for the sum of:.....	450 00

[Signed] Jos. K. TOOLE,  
H. J. HASKELL,  
L. ROTWITT,

Members State Board of Examiners.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing, to whom was referred H. B. 159, relating to Roads and Highways, H. B. No. 140, creating the County of Flathead, and H. B. 160, appropriating money to provide each prisoner discharged from the State Prison, etc., beg leave to report H. B. No. 159 correctly printed, with the exception of the following error in section 1817, line 10, the word "another" should be the words, "are other"; also the word "bill" should be "bills." Also H. B. No. 160, as correctly printed, with the following error in section 1, line 1, the word "hundred" should be inserted between the words "twenty-five," and dollars. Also H. B. No. 140, correctly printed, with the exception of the following in section 8, line 1, the word "said" should be inserted before the word "commissioners." section 10, 4th line, the word "officer" should be "officers," and the word "was" should be "were."

HARDENBROOK,  
Chairman.

Report adopted.

H. B. No. 140 referred to Committee on Internal Improvements.

H. B. No. 159 referred to Committee on Towns, Counties and Highways.

H. B. No. 160, referred to Committee on Appropriations and Claims.

Ways and Means Committee made following report:

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred S. B. No. 9, a bill for an act to enable counties to incur certain indebtedness, beg leave to report the same back with the following amendments, and as so amended that it do pass:

Amend by striking out the words "or order" in line 23, printed bill. Add to the end of Section 3 the following: Provided, that nothing herein shall be construed to authorize any county to become indebted in the aggregate exceeding five per centum of the value of the taxable property therein.

BEACH,  
Chairman.

S. B. No. 9 placed on General Orders.,

S. B. No. 5 made special order for 7:30 P. M. to-morrow.

On motion of Frank, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FIFTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,

Helena, Montana, February 26th, 1891.

House met pursuant to adjournment.

Mr. Speaker pro tem Humber in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Reading of Journal deferred.

H. B. No. 91, read third time and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Breen, Burns, Carney, Clark, Cory, Crutchfield, Dusseault, Eaton, Frank, Hardenbrook, Harlan, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Mr. Speaker.

Ayes—40.

Noes—Whaley.

Noes—1.

Total—41.

On motion of Monteath H. B. No. 19 was re-committed to special committee of three, consisting of Day, Monteath and Harlan, to report after special order this evening, at 7:30 P. M.

Enrollment Committee made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following bills correctly enrolled.

H. B. No. 1—An act to provide for an additional Judge for the District Courts in the First and Second Judicial Districts of the State of Montana.

House Bill No. 9—An act fixing the fees for the performance of certain official duties by the Secretary of State.

H. B. No. 12—An act fixing the compensation for the board of prison convicts confined in county jails.

H. B. 72—An act appropriating money for the support of the National Guard of Montana.

H. B. No. 76—An act appropriating money for the care, custody and maintenance of prisoners confined in the State Prison.

DAY,  
Chairman.

The Chair informed the House that he was about to sign House Bills Nos. 76, 72, 12, and 9 and 1, and signed same in presence of the House.

H. B. No. 44 read third time and placed on final passage, and passed by following aye and noe vote:

Barrows, Beach, Boardman, Blair, Blake, Burns, Clark, Coffy, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Harlan, Harrington, Hastie, Higgins, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Twohy, Thompson, Waite, Whaley, Wing, Woodson, Mr. Speaker.

Yeas—43.

Nays—0.

Total—43.

H. B. No. 110 read third time.

Wallace moved to amend title so as to read as follows:

A bill for an act to provide for the election, filling of vacancies in office. and defining duties of presidential electors.



Harlan moved suspension of rules and bill be considered engrossed and placed on final passage.

Carried by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Breen, Schmidt, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Twohy, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Thompson, Hastie, Hoffman, Horsky, Howey, Hughes, Kempland, Waite, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Whaley, Woodson, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Wing, Mr. Speaker.

Ayes—43.

Noes—0.

Total—43.

H. B. No. 82, read third time and placed on final passage and passed by the following aye and no vote:

Ayes—Barrows, Beach Boardman, Blair, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Harlan, Harrington, Hastie, Higgins, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Twohy, Thompson, Waite, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—42.

Noes—0.

Total—42.

H. B. No. 110, read third time and placed on final passage, and passed by following aye and no vote.

Ayes—Barrows, Beach, Boardman, Blair, Blake, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Twohy, Thompson, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—45.

Noes—0.

Total—45.

H. B. No. 48, read third time, and placed on final passage and passed by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Breen, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Harlan, Harrington, Hastie, Higgins, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Norton, Newcomer, Phillips, Penrose, Poole, Roberts, Schmidt, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—45.

Noes—0.

Total—45.

H. B. No. 95 read third time and passed by the following aye and no vote:

Ayes—Barrows, Boardman, Beach, Blair, Breen, Burns, Carney, Clark, Cory, Crutchfield, Dusseault, Eaton, Frank, Goodman, Harlan, Harrington, Hastie, Higgins, Holter, Horsky, Howey, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Twohy, Thompson, Waite, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—42.

Noes—0.

Total—42.

H. B. No. 111, read third time and placed on final passage, and passed by following aye and no vote.

Ayes—Beach, Boardman, Blair, Breen, Burns, Carney, Clark, Cory, Crutchfield, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Toole, Twohy, Thompson, Waite, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—43.

Noes—0.

Total vote—43.

The following communication received from the Senate:

*Mr. Speaker:* I herewith submit to you for your signature Senate bill No. 14, an act to create marshal of the Supreme Court the same having been signed by the President of the Senate.

BECKER,

Chairman, Senate Enrolling Committee.

Mr Speaker informed the House he was about to sign S. B. No. 14, and signed same in presence of House,

Goodman, Chairman Committee of the Whole made following reports:

*Mr. Speaker:* Your Committee of the Whole having had under consideration H. bills Nos. 148 and 141, report the same back, recommending that they be re-committed to Committee on Appropriations and Claims.

GOODMAN,

Chairman.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 99, beg leave to report the same back with the following amendments, and as amended recommend it do pass.

Amend section 1 by striking out the word "ten" in line 3 and insertion of the word "six" in lieu thereof.

Amend section 2 by striking out the word "ten," in line 15, and inserting the word "six," in lieu thereof.

Clerk instructed to change the word "ten" to "six" wherever it occurs.

GOODMAN,

Chairman.

Report adopted.

H. bills Nos. 148 and 141, referred to Committee on Appropriations and Claims.

H. B. No. 99 referred to Engrossment Committee.

Engrossment Committee made the following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to return herewith H. bills Nos. 11 and 43 correctly engrossed.

KEMPLAND,  
Chairman.

H. B. No. 11 placed on file for third reading.

H. B. No. 43 placed on file for third reading.

Harlan moved the following:

*Mr. Speaker:* I move to re-commit H. B. No. 11 to the Committee on Engrossment, with instructions to strike out all after the period in line 17 of printed bill, section 4. up to and including the word "and" in line 21 of said section and to report the same forthwith.

HARLAN.

Monteath moved to amend by referring to General Orders.

Motion lost.

The following pair was announced.

*Mr. Speaker:* The undersigned agree to pair on H. B. No. 11; the first desires the bill passed to take effect January 1st, 1892, or from and after its passage, the second desires the bill to take effect January 1st, 1893. This pair includes all motions pertaining to the bill.

(Signed) A. M. HOLTER,  
R. H. HOWEY.

On motion of Phillips, House took a recess until 2 o'clock P. M.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker pro tem in the chair.

On motion of Frank, House resolved itself into Committee of the Whole for the consideration of H. B. No. 118.

Message from Senate.

Committee arose.

House resumed.

Mr. Speaker pro tem in chair.

Howey, chairman Committee of the Whole, reported progress and asked leave to sit again.

Committee on enrollment made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following H. Bill correctly enrolled.

Substitute for H. B. No. 14—An act defining the powers and prescribing the duties of additional district judges.

House Bill No. 23—An act to repeal sections 252, 253 and 244, of the Fourth Division of the Compiled Statutes of Montana, to-wit, of the Criminal Laws.

H. B. No. 62—An act to provide for the care and keeping of the insane.

DAY,  
Chairman.

Report adopted.

*Mr. Speaker:* Your Committee on Enrollment have this day, February 26th, 1861, at 11:45 A. M., presented to Gov. Jos. K. Toole, the following House Bills:

H. B. No. 1—An act to provide for an additional judge for the District Courts in the First and Second Judicial Districts of the State of Montana.

H. B. No. 9.—An act fixing the fees for the performance of certain official duties by the Secretary of State.

H. B. No. 12—An act fixing the compensation for the board of prisoners confined in county jails.

H. B. No. 72—An act appropriating money for the support of the National Guards of Montana.

H. B. No. 76—An act appropriating (money) to pay for the care, custody and maintenance of prisoners confined in the State's Prison.

DAY,  
Chairman.



Committee on Engrossment made following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report amendments to S. B. No. 10 engrossed in accordance with memorandums and reports furnished.

KEMPLAND,  
Chairman.

Report adopted.

Mr. Speaker pro tem Humber notified the House he was about to sign S. H. B. No. 14, and House Bills Nos. 23, 62, and signed same in presence of the House.

H. B. No. 43 read third time and placed on final passage and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blake, Blair, Breen, Burns, Carney, Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Horsky, Howey, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Roberts, Schmidt, Toole, Twohy, Wallace, Whaley, Woodson, Mr. Speaker.

Ayes—37.

Noes—Wing.

Noes—1.

Total 38.

Frank moved that Senate Bill No. 7 be taken up and placed on General Orders:

Loud moved a division of question.

Carried.

Senate Bill No. 7 was taken from table.

On motion of Wallace, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FIFTY-FOURTH DAY,

## HOUSE OF REPRESENTATIVES.

Helena, Montana, Feby. 27th, 1891.

House met pursuant to adjournment.

Mr. Speaker pro tem Humber in the chair.

Roll called—Quorum present.

Prayer by Chaplain.

Journal of fifty-second and fifty-third days read and approved.

The following communication was received from the State Board of Examiners:

Helena, Mont., February 26th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claims as follows:

Stockmans National Bank.....	\$ 799 56
Which has been approved for the sum of.....	749 00
Joel Gleason....	68 40
Which has been disapproved.....	
Frank Dolan.....	60 00
Which has been approved for the sum of.....	60 00

(Signed)

JOS. K. TOOLE,  
H. J. HASKELL,  
L. ROTWITT,

Enrollment Committee made following report:

*Mr. Speaker:* Your Committee on Enrollment, beg leave to report H. B. No. 89, An act appropriating money to pay the salaries of the officers and members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana, and the mileage of said members of said session, correctly enrolled.

DAY.

Chairman.

Howey presented petition signed by W. F. Sitsezel, and others from Silver Bow Co., asking for the enactment of a Sunday law.

Referred to Committee on Towns, Counties and Highways.

Mr. Speaker pro tem Humber announced he was about to sign H. B. No. 89, and signed same in presence of the House.

Printing Committee made following (report?)

*Mr. Speaker:* Your Committee on Printing beg leave to make the following report:

H. B. No. 161, relating to the office of road supervisor.

H. B. No. 162, for the relief of A. C. Witter.

H. B. No. 163, appropriating money to pay for insurance of certain state property.

H. B. No. 164, providing for the care of certain state property.

H. B. No. 165, providing for the examination of the Codes.

H. B. No. 166, defining the size of coal screens, etc.

H. B. No. 167, to prevent the refuse of coal mines from mingling with the waters of streams containing fish.

H. B. No. 178, to prevent depredations upon school, university and other lands of the State.

H. B. No. 47.

Respectfully submitted,

HARDENBROOK,

Chairman.

Report adopted.

H. B. No. 47 placed on General Orders.

H. B. No. 163, referred to Committee on Appropriations and Claims.

H. B. No. 162, referred to Committee on Ways and Means.

H. B. No. 161, referred to Committee on Towns, Counties and Highways.

H. B. No. 165, referred to Committee on Judiciary.

H. B. No. 166, referred to Committee on Mines and Minerals.

H. B. No. 164, referred to Committee on Ways and Means.

H. B. No. 167, referred to Committee on Incorporations and Manufactures.

Committee on Engrossment made following report:

*Mr. Speaker:* Your Committee on Engrossment herewith return H. B. bills Nos. 3, 15, 20, 119 and 121 and S. B. No. 44 correctly engrossed.

KEMPLAND,

Chairman.

Report adopted.

S. B. No. 44 placed on file for third reading.

H. Bills Nos. 3, 15, 20, 119, 121 were placed on file for third reading.

Committee on Agriculture and stockgrowing made following report:

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred S. B. No. 31, an act authorizing the State Treasurer to transfer certain funds, report the same back and recommend that the same do pass.

Also, S. B. No. 21, a bill for an act to encourage the production of sugar beets and the manufacture of sugar therefrom in Montana, have had the same under consideration and report the same back and recommend that it do pass.

H. B. No. 102, for an act (to?) facilitate the recording of marks and brands, have had the same under consideration and recommend that the same do pass.

BURNS,  
Chairman.

Report adopted.

S. B. No. 3 placed on General Orders.

S. B. No. 21 placed on General Orders.

H. B. No. 102 placed on General Orders.

Committee on Appropriations made following report:

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. No. 148, entitled, an act appropriating a certain sum of money for the relief of R. G. Humber, report the same back and recommend that the accompanying substitute be adopted in its stead.

H. B. No. 137; we recommend that the words "ten per cent" be stricken out where they occur and the words "six per cent" be inserted in their stead.

TOOLE,  
Chairman.

Report adopted.

H. B. No. 137 placed on General Orders.

H. B. No. 148 placed on General Orders.

Committee on Labor made the following report:

*Mr. Speaker:* Your Committee on Labor have had under consideration H. B. No. 156, entitled an act fixing the number of hours of a legal day's work, beg to amend by substituting the following, and recommend that the substitute do pass.

BREEN,  
Chairman.

H. B. No. 156 placed on General Orders.

Ways and Means Committee made following reports:

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 70, an act providing for the edit-



ing and revision of the debates and proceedings of the Constitutional Convention of the State of Montana for the public printer, beg leave to report that it has carefully considered the same and find, upon enquiry, that the debates and proceedings of said Convention have been type written and filed with the Secretary of State and payment made therefore. Your Committee, therefore (deem?) it inexpedient to provide for the printing of the same at this time, and recommend that the bill do not pass.

WAYS AND MEANS COMMITTEE,

BEACH, Chairman.

Report adopted.

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 139, a bill for an act to amend Sections 1342, 1343, 1344, 1365, of the Fifth Division of the Compiled Statutes of Montana, beg leave to report that it has carefully considered the same and would recommend that the same do pass.

WAYS AND MEANS COMMITTEE,

BEACH, Chairman.

*Mr. Speaker:* Your Committee on Ways and Means, to whom was referred H. B. No. 145, an act entitled an act to amend Section 1,353, of Chapter LXXXI, of the Compiled Statutes of Montana, relating to licenses, beg leave to report that it has carefully considered the same and would recommend the following amendments:

Amend line 10 of of type-written by striking out the word "fifteen" and inserting in lieu thereof the word "twenty."

Amend line 12 by striking out the word "thirty" and inserting in lieu thereof the word "fifty."

Amend line 14 by striking out the word "sixty" and inserting in lieu thereof the words "one hundred."

Amend line 16 by inserting after the words "hundred" the words "and fifty," and your Committee would recommend that the same as amended do pass.

BEACH,

Chairman.

H. B. No. 70, report adopted.

H. B. No. 140 placed on General Orders.

H. B. No. 130 placed on General Orders.

Committee on Appropriations and Claims made the following report:

*Mr. Speaker:* Your Committee on Appropriations and Claims, beg leave to report that the following bills have been introduced, which if all are passed, will appropriate for the fiscal years of 1890 and 1891, \$765,999.

H. B. No. 58, appropriating money for Executive, Legislative and Judicial Departments for 1891 and 1892.....	\$142,300
H. B. No. 1, creating new Judges for Silver Bow Co. and Lewis and Clarke Co.....	7,000
H. B. No. 5, providing for maintenance State's prison, salaries of employes.....	24,900
H. B. No. 17, creating office of Public Examiner..	7,800
H. B. No. 27, Clerk of Supreme Court.....	3,000
H. B. No. 50, Code Commission.....	7,500
H. B. No. 70, providing for the printing of debates, etc. in Constitutional Convention.....	2,000
H. B. No. 73, support of Law Library.....	1,080
H. B. No. 74, providing for transportation of prisoners.....	10,000
H. B. No. 75, expenses Boiler Inspector.....	7,200
H. B. No. 76, care of prisoners for 1891.....	60,000
H. B. No. 77, care of insane for 1891.....	80,000
H. B. No. 78, salary and expenses Veterinary Surgeon.....	4,000
H. B. No. 79, care of deaf, dumb and blind.....	5,000
H. B. No. 80, salary of Inspector and Dept'y Insp. of Mines.....	4,400
H. B. No. 88, for expenses of Law Library.....	1,360
H. B. No. 89, expenses of First Legislative Assembly.....	40,000
H. B. No. 103, for relief of Mussigbrod & Mitchell	84,367
H. B. No. 112, for relief of Conley & McTague..	49,858
H. B. No. 113, for relief of Jessie P. Stafford....	634
H. B. No. 114, for relief of A. P. Brown.....	1,067

H. B. No. 120, for relief of A. C. Witter et al. . . .	5,525
H. B. No. 130, appropriating money for ordinary expenses of the State. . . . .	38,500
H. B. No. 134, increasing the signal service. . . .	500
H. B. No. 141, payment of claims approved by State Board of Examiners. . . . .	41,748
H. B. No. 148, for relief of R. G. Humber. . . . .	160
H. B. No. 149, for building of a State prison. . . .	100,000
H. B. No. 150, for relief of H. R. Comly et al. . . .	5,500
H. B. No. 151, for relief of J. Fallon et al. . . . .	4,334
H. B. No. 153, establishing a fish commission. . . .	500
H. B. No. 160, providing for discharged convicts	2,500
H. B. No. 162, for the relief of A. C. Witter. . . .	160
H. B. No. 163, providing for insurance State property . . . . .	500
H. B. 165, providing for examination of Codes. . .	750
Bill to be introduced for payment of claims approved by State Board of Examiners. . . . .	19,356
	<hr/>
	\$765,999

[Signed]

DAY,  
Temp. Chairman.

The following minority report of special committee on H. B. No. 19 was submitted:

*Mr. Speaker:* The minority of your special committee on House Bill No. 19, known as the printing bill, beg leave to report having had the bill under consideration and that no agreement of all members of the Committee can be reached. We agree as to the proposed amendments to the body of the bill, but as to Section 15 we disagree. The following memorandum was presented the Committee, as representing the views of those who were opposed to confining the printing and binding within the State at any cost, but were willing to meet upon a basis of reasonable protection to home labor, to-wit:

All State printing and binding to be executed within the State if the cost thereof shall not exceed by five per cent the cost if done elsewhere, and the county printing and binding to be

executed within the county if the cost thereof shall not exceed by five per cent the cost if done elsewhere.

This basis of settlement was at first accepted by a majority of your committee, but the acceptance was afterwards withdrawn. This majority also refused to entertain a proposition of ten per cent protection to the printing offices of the State. A due regard for the interests of the State and of the people who will be compelled to pay heavily for the increased cost of the printing and binding if the recommendation of the majority report be adopted, impels the minority of your committee to enter a protest against it. Such legislation enacted in the interests of a class of our people as against the interests of a majority would certainly be deplorable in its results, and would establish a precedent that would be but the beginning of a series of enactments in the interest of classes and opposed to the interests of the people as a whole.

W. B. HARLAN,  
Member Special Committee.

*Mr. Speaker:* A majority of your special committee to, to whom was referred House bill No. 19, an act regulating State and county printing, with provisions for the violation of the same, beg leave to submit the following report:

Amend section 11, of engrossed bill by striking out the words "annually between the first day November and the 15th day of December," and substitute therefor the word "bi-ennially."

Amend section , line 18, printed bill, after the word "bidders" by inserting the following: "provided that all such contracts shall be subject to the approval of the Governor and State treasurer." Strike out section 15 of engrossed bill down to and including the word "counties" before the word "provided," and inserting the following: Section 15, that all contracts for printing, binding and record books for which the state or any County of the State shall become chargeable shall be performed by printers or binders actually employed within the border of the State; and as so amended recommend the same do pass.

DAY

MONTEATH.



Report adopted.

Barrows moved the following:

*Mr. Speaker:* I move you that H. B. No. 118 be referred for amendment to a select committee of five, consisting of Messrs. Beach, Norton, Loud, Thompson and Harlan, with instructions to report as soon as may be.

Motion carried.

Wallace moved the following:

*Mr. Speaker:* I move to refer H. B. No. 11 to a select committee of three, with instructions to correct the bill by striking out all between words "In counties," of line 17 of page 4, to word "further," in line 21 of said page of printed bill inclusive.

WALLACE,

Motion carried.

On motion of Howey a call of House was had.

Roll called.

Blakely, Greenough and Hollywood being absent.

Wallace moved that further proceedings under call be dispensed with.

Lost by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake Burns, Carney, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Newcomer, Poole, Toole, Twohy, Waite, Wallace, Whaley, Woodson.

Ayes—27.

Noes—Breen, Clark, Dusseault, Eaton Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Loud, Moran, Monteath, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson, Wing, Mr. Speaker.

Noes—22.

Total 49.

Sergeant-at-Arms made verbal report that Messrs. Greenough and Hollywood were not in the city and Mr. Blakely sick



Wallace moved suspension of the call and was carried by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Breen, Burns, Clark, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Woodson

Ayes—28.

Noes—Carney, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Wing, Mr. Speaker.

Noes—21.

Total—49.

Howey moved previous question be laid on table.

Lost by following aye and no vote.

Ayes—Breen, Carney, Clark, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson, Mr. Speaker.

Ayes—23.

Noes—Barrows, Beach, Boardman, Blair, Blake, Burns, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Twohy, Waite, Wallace, Whaley, Woodson.

Noes—24.

Total—47.

Phillips moved to take a recess.

Chair ruled motion out of order.

Goodman appealed from decision of the chair.

Chair sustained by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Burns, Clark, Cory, Crutchfield, Day, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Twohy, Waite, Wallace, Whaley, Woodson.

Ayes—25.

Noes—Breen, Carney, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson.

Noes—21.

Total—46.

Wallace moved for previous question.

Goodman moved that when House adjourn it adjourn until 2 o'clock P. M.

Chair ruled Mr. Goodman out of order.

Norton appealed from decision of the chair.

Chair sustained by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Breen, Burns, Clark, Cory, Dusseault, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Twohy, Waite, Wallace, Whaley, Woodson.

Ayes—25.

Noes—Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Philips, Penrose, Roberts, Stebbins, Thompson.

Noes—18.

Total—43.

Monteath moved to adjourn.

Motion lost.

Previous question was then ordered by the following aye and no vote:

Barrows, Beach, Boardman, Blair, Blake, Burns, Clark, Cory, Crutchfield, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, McElwee, Mitchell, Poole, Twohy, Waite, Wallace, Whaley, Woodson.

Ayes, 24.

Breen, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Loud, Moran, Monteath, New-

comer, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson, Mr. Speaker.

Noes, 21.

Total, 45.

Previous question being put was carried by following aye and no vote.

Barrows, Beach, Boardman, Blair, Blake, Burns, Cory, Crutchfield, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland. Loud, McElwee, Mitchell, Poole, Twohy, Waite, Wallace, Whaley, Woodson.

Ayes, 24.

Breen, Clark, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Howey, Lochray, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Thompson.

Noes, 20.

Total, 44.

Loud gave notice of motion to reconsider.

Harlan introduced the following resolution:

*Mr. Speaker:* I move that a protest be entered on the part of this House against the allowance by the Board of Examiners, of any bill for payment in full of the rental of this hall unless the same be made immediately comfortably warm and kept so during the sessions of the House, both day and night.

HARLAN.

Adopted,

Goodman moved that recess be taken until 2:30 P. M.

Motion carried.

2:30 O'CLOCK P. M.

House resumed.

Mr. Speaker pro tem in chair.

Chair referred H. B. No. 11 to select committee of three, consisting of Messrs. Wallace, Cory and Beach.

Hardenbrook moved that S. H. B. 5 be made special order for 3 o'clock P. M.

Motion carried.

The following pairs were announced:

Thompson and Holter paired on H. B. No. 11 until return of Thompson.

Day and Carney paired on H. B. No. 11 until Monday.

Carney and Blake paired on H. B. No. 99 until 10 A. M.

*Mr. Speaker:* Your Committee on Judiciary to whom was referred House Bill No. 168. a bill for an act to prevent depredation upon school and other lands of the State, respectfully report the same back with the following amendments:

Amend section 1 so as to read as follows: "Any person or persons, company or corporation cutting, felling, girdling, injuring or destroying any timber upon any of the school, university or other lands of the State, or removing or attempting to remove any timber therefrom, or who shall knowingly purchase or receive any timber so removed, as aforesaid, or cause or advise a removal therefrom by others, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$100.00, nor more \$1,000.00, or be imprisoned in the county jail not less than 30 days nor more than six months or both said fine and imprisonment,"

Section 2, Amend [Sec.] 2, so as to read as follows: "Any person or persons, company or corporation violating the provisions of the foregoing section shall also be liable to a penalty equal to three times the value of the timber so injured, cut or destroyed, felled, girdled or removed, which said sum shall be recovered by a civil action in the name of the State, and all moneys recovered under the provision of this section shall be put into the public school fund of the State."

And with the foregoing amendments your committee recommend the bill do pass.

WALLACE,  
Chairman.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 146, a bill for an act to provide for addition-

al revenue for the support of the State Law Library. Also H. B. No. 153, a bill for an act to establish a State fish and fishery commission, etc., respectfully report the same back with the recommendation that they do pass.

WALLACE,

Chairman.

H. Bills Nos. 168, 164, and 153 were placed on General Orders:

The following communications were received from the Senate:

Helena, Montana, February 26th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that bills have been introduced in the Senate as follows:

S. B. No. 59, by Matts:

A bill for an act to provide for the appointment and terms of office, power, duties and compensation of the State Board of Education.

S. B. No. 60, by Matts:

A bill for an act to amend an act entitled an act to amend an act entitled an act to provide for the levy of taxes and assessment of property, approved Sept. 14th, 1887.

S. B. No. 61, by Matts:

A bill for an act entitled an act to amend section 944 of the Fifth Division of the Compiled Statutes of Montana.

S. B. No. 62, by Committee on Public Morals, a bill for an act concerning lotteries and gift enterprises.

I am also directed by the Senate to advise you that the Senate has adopted the report of the Conference Committee on H. B. No. 9.

JNO. J. FALLON,

Secretary.

Helena, Mont., Feby., 26, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the following bill has been introduced in the Senate:



S. B. No. 66, by Redd:

A bill for an act permitting District Judges to omit juries at certain terms of Court.

Also that Senate Bills Nos. 47 and 57, and S. J. M. No. 7, have passed the Senate and are herewith transmitted.

JNO. J. FALLON,  
Secretary.

Helena, Mont, Feb. 27, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform you that S. H. B. No. 2 has passed the Senate this day and is herewith transmitted.

Also that the Senate has considered the accompanying report of the State Superintendent of Public Instruction, transmitted to this body by the Governor, and respectfully submit the same for your consideration.

Also, that the President of the Senate has refused to sign House Bill No. 23, for the reason that the title has been amended since it passed the Senate and they have not been advised of that fact by the House of Representatives.

Very respectfully,

JNO. J. FALLON,  
Secretary.

Clerk was ordered to notify the Senate the facts relative to change of title in enrolled bill.

S. H. B. No. 2 referred to Enrollment Committee.

Whaley made following motion:

*Mr. Speaker:* I move to take the report of the Committee on Railroads and Transportation, on Senate Bill No. 6, from the table.

Motion lost.

Monteath moved the following:

That House Bills Nos. 101 and 119 and Senate Bill No. 17 be referred to a committee consisting of Messrs. Beach, Carney, Barrows, Higgins and Hastie, with instructions to report at as early a date as possible.

Motion carried.

The following Senate bills were read first and second times:

S. B. No. 17, referred to Committee on Public Lands.

S. B. No. 24, referred to Committee on Incorporations and Manufactures.

S. B. No. 47, referred to Committee on Towns, Counties and Highways.

S. J. M. No. 7 referred to Committee on Agriculture and Stock Growing.

S. B. No. 57 referred to Committee on Federal Relations.

Carney excused until Monday, 2 o'clock.

Hughes moved to reconsider vote by which Whaley's motion to take S. B. No. 6 from table was lost.

Whaley's motion to take S. B. No. 6 from table, carried by following aye and noe vote:

Ayes—Beach, Boardman, Blake, Burns, Clark, Cory, Crutchfield, Day, Frank, Hardenbrook, Harrington, Hollywood, Holter, Horsky, Hughes, Kempland, Loud, McElwee, Moran, Newcomer, Penrose, Schmidt, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—27.

Noes—Barrows, Blair, Breen, Dusseault, Eaton, Goodman, Harlan, Hastie, Higgins, Hoffman, Howey, Lochray, Mitchell, Monteath, Norton, Phillips, Roberts, Stebbins, Thompson.

Noes—19.

Total—46.

Moved by Whaley that bill be referred to committee of three.

Boardman amended to place on General Orders.

Carried.

S. B. No. 10 was read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood,

Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Norton, Newcomer, Phillips, Roberts, Schmidt, Stebbins, Thompson, Whaley, Wallace, Wing, Woodson, Mr. Speaker.

Ayes—43.

Noes—Holter, Poole.

Noes—2.

Total—45.

Beach granted permission to introduce a bill without previous notice.

Committee on Appropriations granted permission to introduce a bill without previous notice.

H. B. No. 3 read third time and placed on final passage, and passed by followieg aye and noe vote:

Ayes—Breen, Boardman, Blair, Blake, Cory, Eaton, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Thompson, Wing, Woodson.

Ayes—35.

Noes—Barrows, Beach, Blakely, Burns, Clark, Crutchfield, Day, Dusseault, Frank, Twohy, Wallace, Whaley, Mr. Speaker.

Noes—13.

Total—48.

H. B. No. 15 read third time and placed on final passage, and passed by following aye and noe vote:

Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Roberts, Twohy, Thompson, Wallace, Whaley, Woodson, Mr. Speaker.

Ayes, 41.

Poole.

Noes—1.

Total—42.

H. B. No. 20, read third time and placed on final passage, and passed by following aye and noe vote:

Barrows, Beach, Blair, Blake, Blakely, Breen, Burns, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Mr. Speaker, Hollywood, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Moran, Norton, Phillips, Poole, Roberts, Schmidt, Twohy, Thompson, Wallace, Whaley, Woodson.

Ayes—38.

Boardman, Clark, Holter, Monteath, Newcomer.

Noes—5.

Total—43.

H. B. No. 21, read third time and placed on final passage, and passed by following aye and noe vote:

Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Monteath, Norton, Newcomer, Phillips, Penrose, Roberts, Schmidt, Twohy, Thompson, Wallace, Whaley, Woodson, Mr. Speaker.

Ayes—41.

Noes—0.

Total—41.

On motion, S. J. M. No. 7 was recalled from Committee on Agriculture and Stock Growing, rules suspended, read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Beach, Blake, Blakely, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Hardenbrook, Hastie, Hollywood, Holter, Horsky, Howey, Loud, McElwee, Moran, Newcomer, Norton, Poole, Schmidt, Woodson, Mr. Speaker—Total 25.

Noes—Breen, Harlan, Higgins, Hoffman, Lochray, Monteath, Phillips, Roberts, Twohy, Thompson, Whaley—Total 11.

Total—36.

Ayes—25.

Noes—11.

House resolved itself into Committee of the Whole for consideration of H. S. B. No. 5.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

A communication was received from State Board of Examiners.

House resolved itself into Committee of the Whole for further consideration of H. S. B. No. 5.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Mr. Blakely, Chairman Committee of the Whole, reported having had under consideration H. S. B. No. 5, and asked for further time to make report.

On motion of Frank the following bills were made special order for 8 o'clock this evening: H. bills Nos. 148, 97 139, 142, 145, 132, 64, 128, 129, S. S. B. No. 13, S. S. B. No. 9, S. B. No. 25, S. B. No. 37.

Wallace presented the following resolution:

WHEREAS, It appears that the State Board of Examiners have never acted on the items embraced in H. B. No. 89, and

WHEREAS, It appears that a large portion of each of said items have been acted on by said Board and allowed to various banks upon assignments of such claims by them held, now, therefore, be it

*Resolved*, That the Governor be requested to return said H. B. No. 89 to the House wherein it originated for further consideration, and that a copy of the resolution with a report of



the diction of this House thereon be forthwith transmitted to the Senate.

Resolution adopted.

On motion of Frank, House took a recess until 8 o'clock.

8 O'CLOCK.

House resumed.

Mr. Speaker pro tem in the chair.

On motion of Hughes H. B. No. 99 was made special order for 10:30 to-morrow morning.

Enrollment Committee made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this day, February 27th, 1891, presented to Governor Jos. K. Toole, the following House bills:

No. 89—An act appropriating money to pay the salaries of the officers and members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana, and the mileage of said members of said session.

H. B. No. 14—An act entitled an act defining the powers and prescribing the duties of additional District Judges.

H. B. No. 62—An act to provide for the care and keeping of the insane.

DAY,  
Chairman.

Report adopted.

House resolved itself into Committee of the Whole.

Committee arose.

House resumed.

Mr. Speaker pro tem in chair.

Barrows, Chairman Committee of the Whole, made following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration Senate Bills Nos. 37, 25, and Senate S. Bills

Nos. 13, 9, and H. Bills Nos. 148, 97, 64, 128, 139, 129, 142, 145, and ask for further time to report.

The following pair was announced:

*Mr. Speaker:* We, the undersigned, hereby agree to pair on any vote which may be had on H. B. No. 11 and H. B. No. 19, for the session of Saturday, Feby. 28th.

JNO. A. WOODSON,

JAMES H. MONTEATH.

Engrossment Committee made following report:

*Mr. Speaker:* Your Committee on Engrossment beg leave to report H. B. No. 99 correctly engrossed.

KEMPLAND,

Chairman.

Report adopted.

H. B. No. 99 placed on file for third reading,

On motion of McElwee, House adjourned.

CHAS. Z. POND,

Chief Clerk.

## FIFTY-FIFTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 28th, 1891.

House met pursuant to adjournment.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty-fourth day read and approved.

Committee of the Whole made following report:

*Mr. Speaker:* Your Committee of the Whole House have had under consideration Substitute S. B. No. 13, S. B. 37, S. B. No. 9, S. B. No. 25, H. B. No. 148, H. B. No. 97, H. B. No. 132, H. B. No. 64, H. B. 128, H. B. 145, H. B. 149 and H. B. 152, and instruct me to report as follows: (All amendments refer to page and line of original or engrossed bill.)

Amend Sub. S. B. 13, by inserting the word "manner" between the words "same" and "as" in line 4, page 2; amend by inserting the words "the recorder of" after the word "of" in line 21 of page 1, and recommend its passage as so amended.

Recommend the passage of Sub. S. B. No. 37, without amendment.

Amend S. B. No. 9, by inserting between the words "redeem" and "all," in line 24 of page 2, the words "any or."

Amend by striking out of line 5 and 6, of page, 2, the words "five of the most public places," and insert "each voting precinct." Amend by striking out all of Section 2 after the word "county" in line 6 of page 2. Amend by adding a section to be numbered Section 1, (the sections to be re-numbered accordingly.)

Section 1: That Section 790 of the Fifth Division of the Compiled Statutes of Montana be amended so as to read as follows:

Sec. 790. The bonds authorized to be issued by this Article shall be redeemable at the pleasure of the county any time after five years, and payable within twenty years from the date of their issue.

Amend title by inserting between the word "Section" and the number "795" the number "790". Strike out Section 4, and as amended, recommend its passage:

Amend S. B. No. 25, by adding "Section 10. No. animal shall be sold as an estray which shall bear a brand recorded in the office of the Recorder of Marks and Brands in the State of Montana."

And as so amended recommend its passage.

Amend Substitute H. B. No. 148, by striking out all after the word "Treasury," in line 2 of Section 1, and substituting therefor the words and figures: "The sum of two hundred and forty dollars (240)," and, as so amended recommend its passage.

Amend H. B. No. 97, by striking out the words "ten per cent," wherever they occur, and insert the words "six per cent." Strike out the words "Governor of the State" in lines 1 and 2, of Section 3, and insert the words "State Board of Examiners." Strike out the word "him" in line 3 of Section 3, and insert the word "them" in lieu thereof, and recommend its passage as amended.

Amend H. B. No. 132, by striking out all of section 2, and recommend its passage as amended.

Amend H. B. No. 64 as follows: Adopt the amendments proposed by the Judiciary Committee, and strike out section 4, and recommend its passage as amended.

Amend H. B. No. 128 by striking out all of section 3, and as amended recommend its passage.

The Committee deferred action on H. bills No. 145, 139, 152, 129.

Your committee calls the attention of the House to the fact that Senate bill 25, Sub. S. B. No. 13 and S. B. No. 9, show a variance on the back and body. In all cases the title in the body of the bill has been considered.

BARROWS,  
Chairman.

Barrows moved to reject report of committee on S. H. B. No. 148, which was so done.

Report adopted as amended.

Barrows moved that report of Committee of the Whole S. B. No. 25 be rejected.

Carried.

Committee of the Whole made following report:

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. B. No. 101, beg leave to report the same back to the House with the recommendation that with the following amendments that the bill do pass.

HARLAN,  
Chairman.

Harlan moved that H. B. No. 101 be referred to a special committee.

So referred.

Howey made motion to re-commit H. B. No. 148.

Moved by Barrows that report of Committee of the Whole, as amended, be adopted.

Motion carried.

H. B. No. 99 was read third time and placed on final passage, and passed by following ye and no vote:

Ayes—Boardman, Blair, Blakely, Breen, Clark, Cory, Crutchfield, Day, Frank, Hardenbrook, Higgins, Hollywood,



Holter, Horsky, Howey, Hughes, Kempland, McElwee, Mitchell, Phillips, Roberts, Schmidt, Stebbins, Waite, Wallace, Woodson, Mr. Speaker--Total 27.

Noes--Burns, Goodman Harlan, Harrington, Hastie, Lochray Loud, Newcomer, Norton, Poole, Whaley, Wing--Total 12.

Total--39.

Ayes--27.

Noes--12.

The following communication was received from the State Board of Examiners:

Helena, Mont., Feby. 27th, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claims of:

Inter Mountain Publishing Company.....	\$ 13 50
Which has been approved for the sum of.....	13 50
W. G, Dougherty.....	25 30
Which has been approved for the sum of.....	25 30
Thomas Cruse.....	35 00
Which has been approved for the sum of.....	35 00
Missoula Publishing Company.....	100 00
Which has been disapproved.....	
Sturrock & Brown.....	45 60
Which has been approved for the sum of.....	45 60
Western Union Telegraph Co.....	7 77
Which has been approved for the sum of.....	7 77
Inter Mountain Publishing Company.....	110 00
Which has been disapproved.....	
Butte Mining Journal.....	180 00
Which has been disapproved.....	
C. W. Ide.....	60 00
Which has been disapproved.....	

George M. Bleeker.....	100 00
Which has been approved in the sum of.....	100 00

[Signed]      Jos. K. TOOLE,  
                      H. J. HASKELL,  
                      L. ROTWITT,

Members State Board of Examiners.

The following communications received from the Senate:

Helena, Montana, Feby. 26th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B. No. 88, and Substitute for S. B. No. 19, have passed the Senate and are herewith transmitted.

JNO. J. FALLON,  
                                  Secretary.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that they have concurred in the report of House Committee of 16 appointed to confer with the Senate on Bills to be considered for the balance of the session.

Also, that the Senate have refused to concur in House amendments to Senate Bill No. 10, and have appointed as a conference committee, on the part of the Senate, Senators Hennessy, Gibson and Goddard, who would like to meet House Committee at 1:30 P. M., to

JNO. J. FALLON,  
                                  Secretary.

Harlan moved that committee be appointed to confer with Senate committee.

Motion carried.

Chair appointed the following committee: Messrs. Harlan, Hardenbrook and Schmidt.

Howey presented petitions from James Hall, and others, of Meagher Co., and Joseph Currah, and others, of Lewis and Clarke Co., asking for the enactment of a Sunday law.

Referred to Committee on Towns, Counties and Highways.

Harlan moved that rules be suspended and H. B. No. 168 be taken from General Orders and referred to Engrossment Committee, to have it engrossed as amended by the Judiciary Committee.

Motion carried, and H. B. No. 168 referred to Judiciary Committee.

Goodman gave following notice:

*Mr. Speaker:* I hereby give notice that I will on to-morrow, or some future day, introduce a bill to provide for the payment of interest on the unpaid claims of all attaches and employes of both Houses of the First Legislative Assembly. Also to pay interest on the claims of all parties, without regard to age, sex, or previous condition of servitude, who hold such claims against the State.

GOODMAN.

Engrossment Committee made following report:

*Mr. Speaker:* Your Committee on Engrossment return herewith H. B. No. 19 correctly engrossed.

KEMPLAND,

Chairman.

Harlan moved that H. B. No. 19 be referred to special committee to report at 2 P. M.,

H. B. No. 19 referred to a special committee: Messrs. Poole, Kempland and Hastie.

Committee on Towns, Counties and Highways made following report:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways have had under consideration Senate Bill No. 47, a bill for an act to create the Tenth Judicial District of Montana, and provide for its organization.

A majority of whom report the same back to the House and recommend its passage.

BLAKELY,

Chairman.

S. B. No. 47 placed on General Orders.

Howey asked for condition of Helena Charter Bill.

Committee on incorporations and Manufactures made following report:

*Mr. Speaker:* Your Committee on Incorporation and Manufactures, to whom was referred Senate Bill No. 32, entitled: An act for the better protection of consumers of kerosene or coal oil, recommend that it do not pass.

H. B. No. 122, entitled, an act to provide for the incorporation of mortgage and loan companies; recommend that it do not pass.

H. B. No. 115, entitled, an act to provide for an agricultural college and the location thereof, be postponed.

H. B. No. 157, entitled, "An act to amend section 460, of chapter 25, of the Fifth Division of the Compiled Laws of Montana," report that the provisions of the bill are covered by the House amendment to Senate Bill No. 10, and that it do not pass.

H. B. No. 144, entitled, "An act to amend chapter 33, Fifth Division General Laws State of Montana, entitled buildings and loan associations." Upon that the Committee are divided as to their opinions of the bill and return it without recommendation.

FRANK,  
Chairman.

Report adopted.

S. B. No. 32, H. B. No. 122, H. B. No. 115, H. B. No. 157, H. B. No. 144 were placed on General Orders.

The following communication was received from the Governor:

Helena, Mont., Feby. 28th, 1891.

*To the House of Representatives:*

I have the honor to transmit herewith H. B. No, 89, an act appropriating money to pay the salaries of officers and members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana and the mileage of said

members of said session, pursuant to a resolution of your honorable body this day received.

JOS. K. TOOLE,  
Governor.

Communication referred to Appropriations Committee.

Ways and Means Committee made following reports:

*Mr. Speaker:* Your Committee on Ways and Means, to which was referred H. B. No. 164, a bill for an act to provide for the care of certain State property, beg leave to report that it has carefully considered the same and would recommend the same do pass.

BEACH,  
Chairman.

*Mr. Speaker:* Your Committee on Ways and Means, to which was referred H. B. No. 162, a bill for an act for the relief of A. C. Witter, beg leave [to report] that it has carefully considered the same, and would recommend the following amendment: Amend line 13 by inserting before the words "A. C. Witter" the words "the heirs of," and recommend the same do pass as amended.

BEACH,  
Chairman.

*Mr. Speaker:* Your Committee on Appropriations and claims, to whom was referred House bill No. 141, an act to provide for the payment of all claims against the State Board of Examiners and reported to the Second Legislative Assembly, beg leave to report that it has carefully considered the same, and would respectfully submit the following amendments:

Amend Title by striking out the word "all" before the word "claims."

Amend line 3 of section 1, by striking out the word "all" before the word "claims" and inserting in lieu thereof the following "the following."

Strike out line 4 of section 2, and insert in lieu thereof the following: "Amounts set opposite their respective names."

And would recommend that said bill do pass as amended.

DAY,  
Temp. Chairman.



*Mr. Speaker:* Your Committee on Appropriations and Claims, to which was referred H. B. No. 163, a bill for an act to appropriate money to pay the expense of caring for certain State property and insurance of same, beg leave to report that it has carefully considered the same and would recommend that as hereinafter amended it do pass.

Amend line 11 by adding after the word "ending" the words: "December 1st, A. D. 1891."

Amend line 12 by inserting after word "and" the words: "December 1st A. D. 1892."

DAY,  
Temp. Chairman.

*Mr. Speaker:* Your Committee on Appropriations and Claims, to whom was referred H. B. No. 160, a bill for an act entitled an act to appropriate money to provide each prisoner discharged from the State Prison with a suit of clothing and the payment in cash provided by law, beg leave to report that it has carefully considered the same and would recommend that it do pass.

DAY,  
Temporary Chairman.

H. B. No. 164 placed on General Orders.

H. B. No. 162 placed on General Orders.

H. B. No. 141 placed on General Orders.

H. B. No. 163 placed on General Orders.

H. B. No. 160 placed on General Orders.

Committee on Towns, Counties and Highways made following report:

*Mr. Speaker:* Your Committee on Towns, Counties and Highways, to whom was referred H. B. No. 161, a bill for an act to amend Section 1831, Fifth Division, Compiled Statutes of Montana, relating to Road Supervisor, have had the same under consideration and report the same back and recommend its passage.

BLAKELY,  
Chairman.

H. B. 161 placed on General Orders.

*Mr. Speaker:* Your Committee on Appropriations and Claims having had under consideration substitute for House Bill No. 148, beg leave to report that it has carefully considered the same and would respectfully submit the following amendment: Amend Section 1 by striking out the words "one hundred and sixty" and inserting in lieu thereof the words "two hundred and forty," and that said substitute as amended do pass.

DAY,  
Temp. Chairman.

S. H. B. No. 148 placed on General Orders.

*Mr. Speaker:* Your Committee on Incorporations and Manufactures, to whom was referred S. B. No. 24, entitled, an act relating to sureties on undertakings and bonds, recommend its passage.

H. B. No. 167, entitled an act to prevent refuse from coal mines, mingling with the waters of streams containing fish, recommend its passage.

FRANK,  
Chairman.

S. B. No. 24 placed on General Orders.

H. B. No. 167 placed on General Orders.

Select committee on H. B. No. 11 asked leave to make report.

Loud rose to point of order.

Loud moved that vote by which H. B. No. 11 was referred to special Committee of three be reconsidered.

Howey called for all pairs on H. No. 11.

Pairs were announced as follows:

Schmidt and Greenough.

Woodson and Monteath.

Day and Carney.

Thompson and Holter.

Wing and Toole.

Penrose and Wallace.

Waite and Newcomer.

Loud then called for ayes and noes, and motion was lost by following aye and noe vote:

Ayes—Breen, Frank, Goodman, Harrington, Hastie, Hollywood, Howey, Lochray, Loud, Newcomer, Norton, Phillips, Roberts, Stebbins, Mr. Speaker.

Ayes—15.

Noes—Barrows, Beach, Boardman, Blair, Blakely, Burns, Hardenbrook, Harlan, Higgins, Horsky, Hughes, McElwee, Mitchell, Poole, Waite, Whaley, Clark, Cory, Crutchfield.

Noes—19.

Total—34.

Hastie moved a recess until 2 P. M.

Motion carried.

2 P. M.

House resumed.

Mr. Speaker pro tem in chair.

Moved by Harlan that House Bills Nos. 32 and 45, and all S Bills be made special (order?) for 8 P. M. this evening.

Beach moved that H. B. No. 13 be made special order for 2 P. M. Monday.

Moved by Day that all appropriation bills on General Order be made special order (for?) 3 o'clock.

Frank asked leave of absence until Monday.

Not granted.

Committee on Engrossment made following report:

*Mr. Speaker:* Your Committee on Engrossment beg to report H. B. No. 148, an act appropriating certain money for the relief of R. G. Humber; also H. B. No. 168, an act to prevent depredations upon the school, university and other lands of the State, correctly engrossed.

POOLE,  
Temp. Chairman.

H. B. No. 148 placed on file for third reading.

H. B. No. 168 placed on file for third reading.

Enrollment Committee made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report Substitute H. B. No. 2, correctly enrolled.

DAY,  
Chairman.

Mr. Speaker notified the House he was about to sign Sub. H. B. No. 2, and signed same in presence of the House.

Woodson moved that H. Bills Nos. 53 and 117 be made special order for 3 P. M. Tuesday.

Motion carried.

Whaley moved that rules be suspended, and that H. B. No. 87 be made special order for Tuesday, 2 P. M.

Motion lost.

*Mr. Speaker:* Your committee on behalf of the House of Representatives, to whom was referred the House amendments to S. B. No. 10, beg leave to report that we have met a similar committee from the Senate and have unanimously agreed to recommend that the amendment to strike out the word "mercantile" in line four (4) be not concurred in. That all other amendments be concurred in.

W. B. HARLAN,  
C. K. HARDENBROOK,  
LEOPOLD F. SCHMIDT,  
Committee on behalf of the House.

Report of committee concurred in by following aye and no vote:

Barrows, Blair, Blakely, Breen, Burns, Clark, Day, Eaton, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Howey, Lochray, Loud, McElwee, Moran, New-comer, Norton, Phillips, Roberts, Schmidt, Stebbins, Whaley, Wing, Woodson, Mr. Speaker.

Ayes, 30.

Holter, Poole.

Noes, 2.

Howey asked for instructions given to special committee on H. B. No. 19.

Norton moved report of special committee be adopted.

Report adopted.

H. B. No. 19 referred to Engrossment Committee.

The following communication was received from the Senate:

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable bod that H. B. No. 54, as amended, and S. Bills Nos. 20, 58, 59, 60, 61 and 62 have passed the Senate and are herewith transmitted.

JNO. J. FALLON,

Secretary.

On motion of Norton, Senate amendments to H. B. No. 54 were concurred in by following aye and noe vote:

Blair, Blake, Blakely, Breen, Burns, Clark, Cory, Day, Eaton, Frank, Hardenbrook, Harlan, Hastie, Hoffman, Hollywood, Horsky, Lochray, Lord, McElwee, Moran, Newcomer, Norton, Phillips, Schmidt, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Ayes, 29.

Harrington, Poole, Roberts, Stebbins.

Noes, 4.

Senate Bill No. 20 read first and second times.

Referred to Committee on Appropriation and Claims.

S. B. No. 58, read first and second times.

Referred to Judiciary Committee.

S. B. No. 59, read first and second times.

Referred to Committee on State Boards and Officers.

S. B. No. 60, read first and second times.

Referred to Committee on Ways and Means.

S. B. No. 61, read first and second times.

Referred to Judiciary Committee.



S. B. No. 62, read first and second times,

Referred to Committee on Education.

Chairman of Committee of the Whole on S. H. B. No. 5, made following report:

*Mr. Speaker:* Your Committee of the Whole having had under consideration S. H. B. No. 5, beg leave to report the same back with following amendments and as so amended recommend it do pass.

Amend section 5, by inserting after the word "Governor" the following: "by and with the consent of the Board of State's Prison Commissioners." Also strike out the word "him" in same section and insert the words "the Board."

Amend section 6, strike out all of section after word "prison."

Amend section 8, line 1, by striking out the word "at" and insert the word "near."

Amend section 9 by inserting after the word "salaries" the words "repairs, etc."

Amend section 10, on line 1 and 2, all between the words "Board and advertise" and inserting the word "shall" in lieu thereof.

Amend section 11, line 56, printed bill, by inserting after word "labor" the following: Provided that at no time shall the labor of convicts be brought in competition with free labor and the Board shall \* \* \* \*

Amend section 11, line 61, after the word "contract" [insert?] the following words: "or in any other way." Also after the word "prison" in same section, the following: "but nothing herein shall be construed to prohibit the employment of any convict in quarrying, hewing, cutting stone or making brick or mortar or aiding in the construction of any State building.

Amend section 12, line 1, by inserting between the words "the and interest" the word "best."

Strike out section 15.

Amend section 16, line 89, printed bill by striking out first seven words.

Amend section 27, by adding after the first word "contractor" in line 143, the words "for the State Prison," and insert the word "such" before the last word "contractor" in same line.

Strike out the words "while on duty," in line 148.

Amend section 25, by striking out the words "in its discretion" line 130, and insert the following in lieu thereof: after a medical examination has been made."

Insert after the word "pay" in line 118 the words "to such convict."

In line 93, section 17, strike out the words "from time to time cause to be placed" and insert the words "at all times have posted."

SEC. 30. Upon assuming control of any States prison which has been under care, custody and control of any contractor or contractors for the keeping of any convicts confined in said prison, the Board of State's Prison Commissioners may, in their discretion, purchase any clothing or bedding that may be owned by the said contractor or contractors and used in connection with said State's prison, provided, however, that all claims for any money due for any clothing or bedding so purchased shall be approved by the State Board of Examiners before payment therefor is made.

Number the above section thirty and change following sections to conform.

Amend by adding after the first word "Board," in line 162, the following, "at the prison."

SEC. 29. Amend by striking out all of said section after the word "warden." in line 160, up to and including the word "month," in line 161, and insert the following: "Two thousand five hundred dollars per annum; for the deputy warden, fifteen hundred dollars per annum; for the physician, fifteen hundred dollars per annum, and the physician must furnish all medicines; and for the guards, seven hundred and fifty dollars per annum; and all employes shall be entitled to lodging.

Strike out Section 5 and substitute the following: "The Governor shall, by and with the consent of the Senate, appoint a Warden, whose term of office shall be for two years, unless

sooner removed by him, provided that the term of the Warden first appointed shall expire on Jany. 1st, 1893.

Amend Section 11, printed bill, by striking out all after the word "prisoners," in line 61, and inserting in lieu thereof the following: But nothing in this act shall be so construed as to prevent the employment of any convict in the procurement or preparation of any material to be used in the construction or repair of any State building, or in the excavation for or the erection of the same, or in the repair or improvement of such building or the grounds thereof.

But neither the Board or Warden must let by contract or any other way, to any person, the labor of any convict in the prison.

BLAKELY,

Chairman Com. of the Whole.

Barrows moved that report of committee as to amendments to Sec. 11 be rejected.

Motion lost.

Harlan moved the report of the Committee of the Whole, S. H. B. No. 5, be adopted.

Motion carried.

The following communication was received from the Senate:

*Mr. Speaker, House of Representatives:*

I am directed to inform your honorable body that the report of conference Committee on House amendments to S. B. No. 10, has been adopted by the Senate.

JNO. J. FALLON.

Secretary.

The following communications were received from the State Board of Examiners:

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of

Fred C. Canouse, assignee, for..... \$360 00

Which has been approved for the sum of..... 360 00

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claims  
of members and attaches for 1890 for..... \$7,795 00  
Which has been approved for the sum of..... 7,795 00

JOS. K. TOOLE,  
L. ROTWITT,  
H. J. HASKELL,

Members State Board of Examiners

The following communication was received from the Senate:

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the Senate, under a suspension of rules, reconsidered the vote by which H. B. No. 89, was concurred in, and under a further suspension of rules the bill was amended, placed on its final passage and concurred in.

JNO. J. FALLON,  
Secretary.

Sub. H. B. No. 148 was read third time and placed on final passage and passed by following aye and noe vote:

Ayes—Barrows, Blair, Blakely, Breen, Burns, Clark, Cory, Day, Eaton, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Lochray, McElwee, Moran, Newcomer, Norton, Phillips, Roberts, Schmidt, Stebbins, Whaley, Woodson.

Ayes—30.

Noes—Poole—I.

Noes—I.

Total—31.

H. B. No. 168 was read third time and placed on final passage and passed by following aye and no vote:

Ayes—Blair, Blakely, Breen, Burns, Clark, Cory, Day, Eaton, Hardenbrook, Harlan, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Lochray, McElwee, Moran, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—30.

Noes—0.

Total—30.

Rules were suspended by unanimous consent of House as to H. B. No. 89.

Wallace moved that amendments be concurred in.

Amendments concurred in by following aye and no vote:

Ayes—Barrows, Boardman, Blair, Blakely, Breen, Burns, Clark, Day, Eaton, Goodman, Harlan, Harrington, Hastie, Hoffman, Horsky, Howey, Lochray, Loud, McElwee, Moran, Newcomer, Phillips, Roberts, Schmidt, Stebbins, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—29.

Noes—0.

Total 29.

S. B. No. 37 was read third time and placed on final passage, and passed by following aye and no vote.

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Breen, Burns, Clark, Cory, Day, Eaton, Goodman, Harlan, Hastie, Hoffman, Holter, Horsky, Howey, Lochray, Loud, McElwee, Moran, Newcomer, Norton, Phillips, Roberts, Schmidt, Stebbins, Whaley, Wing, Mr. Speaker.

Ayes—31.

Noes—Poole,

Noes—1.

Total—32.

Blakely moved that S. B. No. 22 be made special order for 3 o'clock P. M. Monday.

Motion carried.

House resolved itself into Committee of the Whole on Special Order for consideration of H. B. No. 141.

Committee arose.

House resumed.



Mr. Speaker pro tem in chair.

Blakely, Chairman Committee of the Whole, reported progress and asked leave to sit again.

On motion of Day, House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem in chair.

On motion of Frank, House resolved itself into Committee of the Whole for consideration of H. Bills Nos. 39 and 45 and all Senate Bills on General Orders.

Committee arose.

House resumed.

Mr. Speaker pro tem Breen in the chair.

Barrows, Chairman Committee of the Whole, asked for further time to report.

Further time granted.

On motion of Boardman, House resolved itself into Committee of the Whole for consideration of H. Bills Nos. 128 and 129, and remaining Senate Bills on General Order.

Committee arose.

House resumed.

Speaker pro tem Breen in the chair.

Barrows, Chairman Committee of the Whole, asked for further time to report.

On motion of Eaton, House adjourned.

CHAS. Z. POND.

Chief Clerk.

## FIFTY-SEVENTH DAY.

## HOUSE OF REPRESENTATIVES.

Helena, Montana, March 2d, 1891.

House met pursuant to adjournment.

Mr. Speaker Comly in the chair.

Roll called—Quorum present.

Journal of Fifty-fifth day read and approved.

Hon. H. R. Comly took and subscribed to the following oath:

“I, Harry R. Comly, solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity; and that I have (not?) paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law. So help me God.”

HARRY R. COMLY

Committee on Enrollment made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 89, an act appropriating money to pay the

salaries of the officers and members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana, and the mileage of members of said session, correctly enrolled.

DAY  
Chairman.

Report adopted.

Committee on Engrossment made following report:

*Mr. Speaker:* Your Committee on Engrossment herewith return H. B. No. 19, a bill for an act regulating state and county printing and providing penalties for the violation of the same. Also H. B. No. 135, a bill for an act to amend an act to incorporate the City of Helena, Approved Feby. 22d 1881, and all acts amendatory thereto, as correctly engrossed.

H. B. No. 19 placed on file for third reading.

H. B. No. 135 placed on file for third reading.

Committee of the Whole made the following report:

*Mr. Speaker:* Your Committee of the Whole, to whom was referred H. Bills Nos. 32, 45 and 129 and the general file of Senate bills, report H. B. No. 32 and recommend its passage with the amendments proposed by the select committee.

Amend H. B. No. 45 by striking out of lines 3 and 4 the words "shall desire to irrigate the same," and insert, "shall desire to use the waters of any stream for irrigation or other purposes."

Amend by striking out of line 2, of page 3, the word "irrigated" and insert "supplied with water."

Amend by inserting before the word "person" in last line of Section 4, page 3, the word "each," and as amended recommend its passage.

Report H. B. No. 129, with the recommendation that it do not pass.

Recommend that S. M. No. 2 do pass.

Recommend that S. B. No. 29 do pass.

Recommend that S. B. No. 5 be referred to select House committee having under consideration bills concerning State lands.

Report S. B. No. 39 with the recommendation that it do pass without amendment.

Amend S. B. No. 18 by striking out all of Section 2 after the word "killed" in line 1 of page 2, and by striking out of lines 26 and 29, of page 2, in section 3, the words "county," and as so amended recommend its passage.

Report S. M. No. 3, with the recommendation that it pass without amendment.

Amend S. B. No. 21, by adding after the word "hereunder" in the third line of Sec. 2, the words, "for manufactured sugar amounting to one hundred pounds or more," and as so amended recommend its passage.

Amend S. B. No. 16, by striking out of line 24, of page 1, Section 1, the words, "deeds of bloodshed," and as so amended recommend its passage.

Report S. B. No. 31 and recommend its passage.

Report S. B. No. 32 and recommend its passage.

(All amendments are to line, section and page of original or engrossed bill.)

Respectfully,

BARROWS,

Chairman.

Report adopted.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration H. Bills Nos. 141, 73, 146, 137, 130, beg leave to report as follows:

H. B. No. 141, Amend section 2 so as to read, "amounts set opposite their respective names," and as so amended recommend it do pass.

H. B. No. 73, recommend it do pass as read.

H. B. No. 146, recommend it do not pass.

H. B. No. 137, amend by striking out the words "hands of the" in line 1, Sec. 1. Also change Treasurer to Treasury. Clerk ordered to change 10 per cent to 6 per cent wherever it occurs, and as amended recommend it do pass.

H. B. No. 130, recommend that Committee ask leave to sit again on this bill.

BLAKELY,  
Chairman.

Report adopted.

Hastie presented petition from members of the bar of Cascade County, signed by John W. Stanton and fifteen others, asking for an additional judicial district.

Placed on file.

Committee on Education made following report:

*Mr. Speaker:* Your Committee on Education, to whom was referred the first annual report of the Superintendent of Public Instruction for the State of Montana, have only had time to briefly consider the same (owing to the late date which it was received) and find many valuable suggestions contained therein, but are valueless to this legislature for the reason above stated. Your committee would earnestly recommend that future reports be printed in time to be placed on the desks of the members of the Legislative Assembly early in the session.

There seems to be reasonable grounds for the complaint that some of the County Superintendents have been derelict in furnishing their reports as required by law; this in our opinion is an inexcusable violation of the duty they owe to the public in this important branch of the public service, and cannot be too severely condemned, and your committee would recommend that in the future the State Superintendent do not delay the publication of his annual report on account of such delinquents, and we would further recommend that a sufficient number of copies of the report be printed for the benefit of the public.

NORTON,  
Chairman.

Select committee on House Bills Nos. 101 and 119 and S. B. No. 17, submitted following report:

*Mr. Speaker:* Your select committee to whom was referred S. B. No. 17, H. Bills 101 and 116, would report that it is imperative that this Legislative Assembly should enact laws



that will, first, secure to the State the complete donation of lands from the general government, and, second, enable the State to speedily lease or otherwise dispose of such lands, that settlement may not be retarded and that a revenue may accrue to the State that would otherwise be lost. With these objects in view, after giving to the subject as much consideration and attention as was possible, and being assisted by Senators Hedges and Matts, we recommend that H. B. 119, as introduced and as printed, be amended, and as so amended recommend it do pass.

Your committee, after due consideration, adopted S. B. No. 17, as a measure best calculated to define in detail the functions of the State Board of Land Commissioners, and to regulate the leasing, sale and appraisalment of State Lands, the bill as printed is practically the same measure before this House. A few minor amendments were made in the Senate, and a section has been added. Your committee recommend that the bill pass as amended.

BEACH,  
BARROWS,  
HASTIE.

Harlan moved that amendments to S. B. No. 17 be adopted

Goodman moved as an amendment to adopt by sections.

Motion carried.

Amendmnts adopted and S. B. No. 17 placed on file for third reading.

Amendments adopted and H. B. No. 119 ordered engrossed and placed on file for third reading.

On motion of Beach, H. B. No. 119 ordered engrossment and placed on file for third reading.

Committee on Engrossment made following report.

*Mr. Speaker:* Your Committee on Engrossment beg leave to return House amendments to S. B. No. 9, and substitute S. B. No, 13, engrossed according to memorandum on reports.

POOLE,  
Temp. Chairman.

S. B. No. 9 placed on file for third reading.

Sub. S. B. No. 13 placed on file for third reading.

Phillips asked leave to introduce bill without previous notice.

Leave granted.

Judiciary Committee made following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom substitute for Senate Bill No. 15, a bill for an act to provide a seal for the State of Montana, respectfully report the same back to your honorable body, and return therewith a substitute and recommend that the substitute do pass. Our reasons for the foregoing action are as follows:

First: We have called in expert engravers and taken their testimony upon a possibility of reproducing the seal described in Senate Bill No. 15, upon the dimensions given by the plate, and your committee has reached the conclusion, after listening to such testimony, that the same could not be reproduced upon a plate ten times the proposed area so as to give individuality to the objects described.

Second: Your committee have felt justified in returning a substitute which provides for the continuance of the old territorial seal so far as the design is concerned because of the fact that it has on one or two different occasions prominent consideration in instances where the seals of the various states and territories were collected and considered on their respective merits of design; and further, and chiefest, because the seal has endured with us during our entire history from the beginning of our territorial existence, and is intimately associated with every act of importance attached to our various career of Government and is, therefore, of inestimable value from an historical standpoint.

WALLACE,

Chairman.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 165, a bill for an act entitled an act providing for the examination of the work of the code commission, beg

leave to report the same back to your honorable body with the recommendation that it do pass.

WALLACE,  
Chairman.

Senate S. B. No. 15, placed on General Orders.

H. B. No. 165 placed on General Orders.

The following bills were introduced:

H. B. No. 169, by Beach:

To convert certain surplus moneys back into the State Treasury.

H. B. No. 170, by Phillips:

To pay company and regimental bands of the Montana National Guard.

H. B. No. 171, by Toole:

For the relief of C. R. Reardon, Sergeant-at-Arms.

H. Bills Nos. 169, 170, 171 were read first and second times and referred to Printing Committee.

O motion, Howey, House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker pro tem in chair.

Enrollment Committee made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following bills correctly enrolled:

H. B. No. 54, an act requiring railroad companies to pay for damages to stock.

H. B. No. 88, an act appropriating money for the benefit of the Montana Law Library.

DAY,  
Chairman.

Report adopted.

Committee on State Boards and Officers made following report:

*Mr. Speaker:* Your Committee on State Boards and Officers, having had Senate Bill No. 59 under consideration, beg leave to report the same back with a recommendation that it do pass.

WHALEY,  
Chairman.

S. B. No. 59 placed on General Orders.

Special committee, to whom was referred H. B. No. 118, made the following report:

*Mr. Speaker:* Your special committee, to whom was referred H. B. No. 118, a bill for an act concerning the assessment and collection of taxes, reports the same back with amendments, including amendments made by the Committee of the Whole, herewith transmitted, and as amended recommend that it do pass.

(Signed)

BRACH,  
HARLAN,  
LOUD,  
NORTON,  
THOMPSON.

Report adopted and H. B. No. 118 referred to Engrossing Committee.

On motion of Loud, all work on Speaker's table was disposed of before taking up special order.

The following communication was received from the State Board of Examiners:

Helena, Mont. February 28, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith 14 separate accounts, representing the claims of 13 companies of the National Guard, for the sum of five hundred (500) dollars, for each company, for the year 1890, for which no appropriation was made.

Also claim of the Regimental Band.

Upon examination we find that the law provides five hundred (500) dollars for each of said companies, to be paid upon con-

ditions, but that no appropriation to pay the same for the year 1890 was available, and, therefore, the same, nor any part thereof, has not been paid. We do not, therefore, understand that in such cases this Board is called upon to approve or disapprove the same. If, however, the Legislative Assembly shall appropriate for the same the Board will pass upon said accoucts.

JOS. K. TOOLE,

H. J. HASKELL,

L. ROTWITT.

Referred to Committee on Appropriations and Claims.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith the following claims:

Col. J. R. Miller.....	\$ 30 80
Which has been approved for.....	30 80
Capt. A. E. Veazie.....	18 00
Which has been approved for.....	18 00
Thos. P. Fuller.....	1 90
Which has been approved.....	1 90
A. E. Veazie.....	8 00
Which has been approved for.....	8 00
Northern Pacific Ex. Co.....	148 00
Which has been approved for.....	148 00
Northern Pacific R. R. Co.....	26 36
Which has been approved for.....	26 36
Donald Davenport.....	12 60
Which has been approved for.....	12 60
Col. C. D. Curtis.....	105 00
Which has been approved for.....	105 00
Williams, Thurber & Co.....	11 00
Which has been approved for.....	11 00
Edgar G. Worden.....	21 00
Which has been disapproved.....	



R. A. McDonald.....	12 00
Which has been approved for.....	12 00
S. R. Douglas.....	34 90
Which has been disapproved.....	

[Signed]

JOS. K. TOOLE.

H. J. HASKELL.

L. ROTWITT.

Members State Board of Examiners.

Referred to Committee on Appropriations and Claims.

Mr. Speaker pro tem Humber gave notice he was about to sign H. Bills No. 89 and 54, and signed same in presence of the House.

Wallace moved that Committee of the Whole reports be taken up on bills acted upon on Saturday.

Motion carried.

Howey moved that one extra clerk be assigned each to the Engrossment and Enrollment Committees.

Report of the Committee of the Whole on H. B. No. 45 adopted.

Harlan moved that H. B. No. 129 be referred to special committee of three to report as soon as possible.

Motion carried.

Chair appointed Messrs. Whaley, Harlan and Loud.

Blakely moved that rules be suspended and that S. M. No. 3 be placed on final passage.

Motion carried.

Rules suspended and S. M. No. 3 placed on final passage and passed by following aye and no vote:

Ayes—Barrows, Beach, Blair, Blakely, Breen, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Thompson, Wing, Woodson, Mr. Speaker.

Ayes—38.

Noes—0.

Total—38.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration House Bills Nos. 146, 137, 130, 141, 70, beg leave to report as follows. that:

H. B. No. 73 do pass.

That H. B. No. 137 pass as amended.

That H. B. No. 141 pass as amended.

They also report progress on H. B. No. 130 and ask leave to sit again.

GOODMAN,  
Chairman.

On motion of Howey, Helena Charter Bill No. 135 was called up.

Howey moved that rules be suspended and the bill put upon final passage by reading amendments only.

Motion carried.

Mr. Speaker gave notice he was about to sign H. B. No. 88, and signed same in presence of the House.

Special Committee on Helena Charter Bill, H. B. No. 135, made following report:

H. B. No. 135 was read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Beach, Boardman, Blair, Blakely, Breen, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Harlan, Harrington, Higgins, Hollywood, Holter, Horsky, Howey, Hughes, Kemp-land, Lochray, McElwee, Moran, Newcomer, Norton, Penrose, Poole, Thompson, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—33.

Noes—Hoffman, Monteath, Phillips, Roberts.

Noes—4.

Blakely asked that H. B. Nos. 56 and 144, be referred to a special committee of five each to report as soon as possible.

Chair appointed special committee on H. B. No. 144, as follows: Blakely, Frank, Monteath, Harlan and Hughes.

Chair appointed special committee, on H. B. No. 56. Messrs. Thompson, Cory, Blair, Eaton, Hastie.

Frank called for special orders on H. B. No. 13 and others.

On motion of Howey, House resolved itself into Committee of the Whole.

Committee arose.

House resumed,

Loud moved that S. B. No. 22 be placed on General Orders for consideration in Committee of the Whole.

Motion carried.

Barrows moved that S. B. No. 47 be placed on General Orders.

So ordered.

On motion of Monteath, House resolved itself into Committee of the Whole.

Harlan in the chair.

Committee arose.

House resumed.

Harlan, Chairman, Committee of the Whole, asked for further time to report.

Beach asked permission to introduce a bill without previous notice. Permission granted and the following bill introduced:

H. B. No 172, by Beach, to authorize prison commissioners for the support, maintenance and confinement of certain prisoners.

*Mr. Speaker:* Your Committee of the Whole, to whom was referred, H. bills Nos. 13, 50, 165, have had the same under consideration and beg leave to report as follows:

That we recommend that H. B. No. 13 do not pass.

That H. B. No. 165 do not pass.

That H. B. No. 50 be amended as follows, and as so amended that it do pass.

We also have had under consideration Senate bills Nos. 22 and 47.

We recommend that Senate bill No. 22 do pass.

That Senate bill No. 47 do pass.

HARLAN,  
Chairman.

H. B. No. 50

Strike out section 1 and insert:

SECTION 1. Sec. 3, of an act of the Legislative Assembly of the Territory of Montana, entitled, an act to provide for the appointment of a commission to codify the criminal and civil law and procedure, and to revise, complete and arrange the statute laws of Montana, approved March 14th, 1889, is hereby amended so as to read as follows:

SEC. 3. When the commission shall have prepared and completed any one of the above mentioned codes, a copy of the same shall be filed in the office of the Secretary of State, and the same shall be submitted for action thereon to the Legislative Assembly,

SEC. 2. Section 5 of said act is hereby amended so as to read as follows:

SEC. 5. Upon the completion and filing of any one of the said codes, as hereinbefore provided in the office of the Secretary of State, it shall be lawful for and it is the duty of the State Auditor to draw his warrant for the pre rata salaries of the commission under the provisions of this act, to be paid by the State Treasurer out of any funds not otherwise appropriated. At any time after filing of said codes in the office of the Secretary of State, the code commissioners may at any time withdraw them from said office for the purpose of alteration or revision.

SEC. 3. Section 6 of said act is hereby repealed.

SEC. 4. There are hereby added to said act as a part thereof, immediately after section 5 thereof, seven sections, numbered respectively, 6, 7, 8, 9, 10, 11 and 12, which last mentioned sections shall read as follows:

Amend title as follows: An act to amend an act of the Legislative Assembly of the Territory of Montana, entitled, "An act to provide for the appointment of a commission to codify the criminal and civil law and procedure, and to revise, complete and arrange the Statute Laws of Montana," approved March 14th, 1889.

Amend section 5, by adding between the words "printed" and "and," line 18, as follows, "in the same sized type and size of body type page as may be adopted by the Commissioners of Printing for the Revised Statutes.

Amend section 6, of the printed bill, by inserting the words "each State officer" between the words "magistrate" and "each," line 25.

Amend section 8, of the printed bill, line 36, by striking out the word "two" and insert the word "one."

Amend section 5, lines 6 and 7, strike out "in cheap style and."

Amend section 5, 4th line, strike out words "thereafter as possible," insert "as completed."

Amend section 6, adding after word "each volume," last line, the words "and fifty copies to the State Library for distribution by State Librarian."

Strike out Section 9.

On motion of Monteath the report of the Committee of the Whole on H. B. No. 50, S. B. Nos. 22 and 47, were adopted.

H. B. No. 50 ordered engrossed for third reading.

S. Bills Nos. 22 and 47 placed on file for third reading.

Monteath moved that amendments of Committee on H. B. No. 13 be adopted.

Ayes and noes were called for and report adopted by following aye and noe vote:

Ayes—Boardman, Blair, Cory, Crutchfield, Eaton, Goodman, Harlan, Hastie, Hoffman, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Roberts, Stebbins, Thompson, Wing.



Ayes—27.

Noes—Barrows, Beach, Blakely, Breen, Clark, Day, Duseault, Frank, Hardenbrook, Higgins, McElwee, Phillips, Poole, Schmidt, Wallace, Whaley, Mr. Speaker.

Noes—17.

Total—44.

Loud moved to indefinitely postpone further consideration of H. B. No. 13.

Ayes and noes were called for and motion carried by following aye and noe vote:

Ayes—Boardman, Blair, Cory, Crutchfield, Eaton, Goodman, Harlan, Hastie, Hoffman, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Penrose, Roberts, Stebbins, Thompson, Wing.

Ayes—26.

Noes—Barrows, Beach, Blakely, Breen, Clark, Day, Duseault, Frank, Hardenbrook, Higgins, Hollywood, McElwee, Mitchell, Phillips, Poole, Schmidt, Wallace, Whaley, Speaker.

Noes—19.

Total—45.

Moved by Barrows that report on H. B. No. 165, by Committee of the Whole, be adopted and placed on file for third reading.

Motion carried.

Howey moved that further consideration on H. B. No. 165 be indefinitely postponed.

Ayes and noes called for.

Motion carried by following aye and noe vote:

Ayes—Barrows, Boardman, Blakely, Clark, Cory, Eaton, Goodman, Harlan, Hoffman, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Schmidt, Stebbins, Thompson, Whaley, Wing.

Ayes—29.

Noes—Blair, Breen, Burns, Crutchfield, Day, Dusseault, Frank, Hardenbrook, Higgins, Hollywood, Humber, McElwee, Poole, Wallace, Mr. Speaker.

Noes—15.

Total—44.

On motion of Frank, H. Bills Nos. 149, 47, 163, 164, 160, 124, 33, 84, 139, 142, 87, 162, 105, 161, 158, 145, 61, and S. B. 39 were made special order for 2:30 P. M.

S. Bills Nos. 40 and 20 were made special order for 11 A. M. Tuesday.

Hardenbrook moved that 3rd reading of H. Bills be made special order for 11 A. M. to-morrow.

Motion carried.

Blakeley moved that S. B. No. 6 be made special order for 2 P. M. to-morrow.

Motion carried.

On motion of Harlan, rules were suspended and S. B. No. 19 was read first and second times by title and rererred to Engrossment Committee.

Engrossment Committee made following report:

*Mr. Speaker:* Your Committee on Engrossment, beg leave to report substitute for H. B. No. 5 and H. Bills Nos. 64, 97, 119 and 132 correctly engrossed.

KEMPLAND,  
Chairman.

Harlan introduced the following resolution:

House Joint Resolution No. 3:

A joint resolution relating to the printing of laws pursuant to section sixteen hundred and thirty one, Fifth Division, Compiled Statutes of Montana.

Be it resolved by the House of Representatives, the Senate concerning:

That a joint committee, consisting of five members of the House and three members of the Senate, be appointed for the

purpose of selecting and reporting to the Governor, the President of the Senate and Speaker of the House, such laws enacted at this session of the Legislature as in the opinion of such committee should be printed pursuant to the provisions of section sixteen hundred and thirty-one, Fifth Division, Compiled Statutes of Montana, such committee to make its report on March 5th, 1891.

On motion of Blakely, House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

House took up special order in Committee of the Whole for consideration of same.

ommittee arose.

House resumed.

Mr. Speaker pro tem Humber in the chair.

On motion of Day, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FIFTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 3rd, 1891.

House met pursuant to adjournment.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

On motion of Thompson, reading of Journal was deferred.

On motion of Poole, Barrows was excused.

Following communication was received from State Board of Examiners:

March 2d, 1891.

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit the following claims:

H. M. Parchen.....	\$ 2 30
Which has been approved for the sum of.....	2 30
H. L. Frank.....	20 00
Which has been approved for the sum of.....	20 00
B. F. Hooper.....	10 50
Which has been approved for the sum of.....	10 50
Miss Annie B. Keeler.....	5 00
Which has been approved for the sum of.....	5 00
Wm. Latham.....	18 00
Which has been approved for the sum of.....	18 00

B. F. Hooper..... 31 75  
 Which has been appoved for the sum of..... 31 75

[Signed] Jos. K. TOOLE,  
 H. J. HASKELL,  
 L. ROTWITT,

Members State Board of Examiners.

The following communication was received from the Senate:

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that, by a vote of the Senate I herewith return a communication received from the Chief Clerk of your honorable body, the reason for returning the same is written on two sides of a sheet, which is contrary to all rules, as all communications are filed and eventually go into the hands of the Public Printer. The communication also contains notices of introduction of bills that were introduced over a week ago, some of them having already become laws. The joint rules require that notice of the introduction of bills shall be given to one body by the other on the day that they are introduced.

JNO. J. FALLON,  
 Secretary.

Howey presented petition signed by ———, and others, asking for the enactment of a Sunday law.

Committee on Judiciary made following report:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 58, an act to cure defects in conveyances of land, respectfully report the same back with amendments, and as so amended recommend that it do pass.

WM. WALLACE, JR.  
 Chairman.

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 11, for the purpose of correction, report the same back to you corrected as per instructions.

WALLACE,  
 Chairman.

Engrossment Committee made following report:



*Mr. Speaker:* Your Committee on Engrossment herewith return H. Bills Nos. 45, 73, 137, 141, 87, as correctly engrossed.

KEMPLAND,  
Chairman.

H. B. Nos. 139 and 142 were referred to special committee, Wallace, Frank and Norton.

H. B. No. 124 referred to special committee, Higgins, Hughes, Monteath, Beach and Hastie.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report H. Bills Nos. 169 and 171 correctly printed. H. Bill No. 170, as printed with the following error: "Out of any money in the State Treasury not already appropriated," are omitted.

HARDENBROOK,  
Chairman.

H. B. No. 169 referred to Committee on Appropriations and Claims.

H. B. No. 171 referred to Committee on Judiciary.

H. B. No. 170 referred to Committee on Military Affairs.

Enrollment Committee made following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have this day, March 2nd, 1891, at 4:30 P. M., delivered to Gov. Jos. K. Toole, the following House Bills, Nos. 88, Sub. H. B, No. 2, and H. B. No. 23 and H. B. Nos. 54 and 89.

DAY,  
Chairman.

H. Bills Nos. 45, 73, 137, 141 and 87 were placed on file for third reading.

Hastie, by unanimous consent, granted leave to introduce a bill without previous notice.

H. B. No. 173, by Hastie:

An act to amend an act to enable cities and towns to incur certain indebtedness.

H. B. No. 173 read first and second times.

Referred to Printing Committee.

Committee on Engrossment made following report:

*Mr. Speaker:* Your Committee on Engrossment herewith return H. B. No. 50 as correctly engrossed,

KEMPLAND,  
Chairman.

H. B. No. 50 placed on file for third reading,

Committee on Printing made the following report:

*Mr. Speaker:* Your Committee on Printing, to whom was referred H. B. No. 172, beg leave to report the same back as correctly printed.

HARDENBROOK,  
Chairman.

H. B. No. 172, referred to Committee on State Boards and Officers.

Comly rose to point of order on special orders for 11 A. M.

H. B. No. 19, read third time.

Loud moved that rules be suspended and bill be read by title.

Carried.

Read by title, placed on final passage and passed by following aye and noe vote:

Ayes—Barrows, Boardman, Blair, Breen, Burns, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hoffman, Hollywood, Woodson, Holter, Horsky, Howey, Hughes, Kempland, Loud, Mitchell, Monteath, Newcomer, Norton, Poole, Roberts, Stebbins, Thompson, Whaley, Wing, Mr. Speaker.—Total 34.

Noes—Beach Blake, Blakely, Clark, Hastie, Higgins, Humber, McElwee, Phillips. Schmidt, Waite—Total 11.

Ayes—34.

Noes—11.

Total—45.

Substitute for H. B. No. 5 read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Hofiman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.—Ayes 46.

Noes—Monteath Total—1

Ayes—46.

Noes—1.

Total—47.

H. B. No. 119 was read third time and placed on final passage and passed by the following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Greenough, Whaley, Woodson, Mr. Speaker, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Holter, Horsky, Hughes, Humber, Kempland, Loud, McElwee, Monteath, Newcomer, Poole, Schmidt, Stebbins, Thompson, Waite, Wallace—Total 39.

Noes—Goodman, Harrington, Howey, Lochray, Norton, Phillips, Roberts, Wing—Total 8.

Yeas—39.

Noes—8.

Total vote—47.

H. B. No. 64 was read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.—Total 48.

Ayes—48.

Total—48.

H. B. No. 97 was read third time and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Hardenbrook, Harlan, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Loud, McElwee, Mitchell, Monteath, Newcomer, Phillips, Roberts, Schmidt, Stebbins, Thompson, Wallace, Woodson, Mr. Speaker.

Ayes—37.

Noes—Burns, Goodman, Greenough, Harrington, Hastie, Lochray, Moran, Norton, Poole, Waite, Whaley, Wing.

Nays—12.

Total 49.

H. B. No. 132, was read third time and passed by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Cory Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hollywood, Holter, Mr. Speaker, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Schmidt, Thompson, Waite, Wallace, Whaley, Wing, Woodson.

Total—50.

Ayes—45.

Noes—5.

H. B. No. 45 was read third time and passed by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Roberts,

Schmidt, Stebbins, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—47.

Total—47.

H. B. No. 73 was read third time and placed on final passage, and passed by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Cory, Crutchfield, Day, Dusseault, Frank, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Roberts, Schmidt, Stebbins, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Noes—Poole.

Total—47.

Ayes—46.

Noes—1.

H. B. No. 87 was read third time.

Boardman moved that a recess be taken until 2 P. M.

Lost by following aye and no vote:

Noes—Beach, Blair, Blake, Blakely, Breen, Burns, Cory, Dusseault, Frank, Harlan, Hastie, Harrington, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Humber, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Phillips, Schmidt, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—Barrows, Boardman, Clark, Crutchfield, Day, Hardenbrook, Hughes, Kempland, Monteath, Poole, Roberts, Stebbins.

Ayes—18.

Nays—28.

Total—46.

Boardman moved a call of the House.



Motion seconded and carried, the following members answering to their names:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Thompson, Waite, Wallace, Whaley, Wing, Woodson.

Total—47.

Absent—Penrose, Eaton, Toole and Twohy.

Higgins moved that further proceedings under the call be dispensed with.

Carried by following aye and noe vote:

Ayes—Barrows, Beach, Blair, Blake, Blakely, Breen, Burns, Cory, Dusseault, Frank, Greenough, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Humber, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Phillips, Poole, Waite, Whaley, Wing, Woodson, Mr. Speaker.

Noes—Boardman, Clark, Crutchfield, Hardenbrook, Harrington, Hughes, Kempland, Monteath, Newcomer, Norton, Roberts, Schmidt, Stebbins, Thompson, Wallace.

Total—48.

Ayes—32.

Nays—16.

Moved and seconded that House adjourn.

Motion lost.

Previous question was called for and Carried by following aye and noe vote:

Ayes—Beach, Blair, Blake, Blakely, Breen, Burns, Cory, Dusseault, Frank, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Phillips, Poole, Schmidt, Thompson, Waite, Whaley, Wing, Woodson, Mr. Speaker.

Barrows, Boardman, Clark, Crutchfield, Hardenbrook, Hughes, Humber, Kempland, Monteath, Norton, Roberts, Stebbins, Wallace.

Total—48.

Ayes—34

Nays—14.

H. B. No. 87 was now placed on final passage and passed by following aye and no vote:

Beach, Blair, Blake, Blakely, Breen, Burns, Cory, Dusseault, Frank, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Humber, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Phillips, Schmidt, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Barrows, Boardman, Clark, Crutchfield, Day, Hardenbrook, Hughes, Kempland, Monteath, Poole, Roberts, Stebbins.

Total—46.

Ayes—34.

Nays—12.

Higgins moved to reconsider vote by which H. B. No. 87 was passed.

Blakely moved to lay motion on table.

Motion carried.

Mr. Speaker Comly gave notice that he was about to sign S. J. M. No. 7 and S. B. No. 10, and signed same in presence of the House.

On motion of Monteath, a recess was taken until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

H. B. No. 141 was read third time and placed on final passage, and passed by following aye and no vote:

Barrows, Blair, Blake, Blakely, Burns, Carney, Clark, Cory, Crutchfield, Day, Eaton, Frank, Greenough, Hardenbrook, Harlan, Harrington, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Norton, Phillips, Penrose, Roberts, Schmidt, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Hastie, Poole.

Total—46.

Ayes—44.

Nays—2.

H. B. No. 11 was now reached in third reading.

Report of special committee on correction of same was read and, on motion of Greenough adopted.

Howey then called for special orders.

Chair ruled that special orders would follow reading of bills now before the House.

H. B. No. 11 was read third time.

Loud moved to re-commit to special committee, consisting of Frank, Goodman and Norton, for purpose of amendment.

Motion lost.

H. B. No. 11, now put on final passage and passed by the following aye and noe vote;

Barrows, Beach, Boardman, Blair, Blake, Blakely, Burns, Cory, Crutchfield, Day, Greenough, Hardenbrook, Higgins, Holter, Horsky, Hughes, Kempland, Loud, McElwee, Mitchell, Penrose, Poole, Toole, Waite, Wallace, Whaley, Woodson, Mr. Speaker.

Carney, Clark, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hoffman, Hollywood, Howey, Humber, Lochray, Monteath, Newcomer, Norton, Phillips, Roberts, Schmidt, Stebbins, Thompson, Wing.

Total—50.

Ayes—28.

Nays—22.

Wallace moved to reconsider the vote by which H. B. No. 11 passed.

Crutchfield moved to lay it on the table.

Motion carried.

Monteath asked permission to make a motion in relation to H. B. No. 75.

Chair ruled it out of order.

H. B. No. 137 was read time and placed on final passage, and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Clark, Cory, Crutchfield, Day, Frank, Greenough, Hardenbrook, Harlan, Hollywood, Holter, Horsky, Howey, McElwee, Mitchell, Monteath, Newcomer, Phillips, Penrose, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Mr. Speaker.

Noes—Burns, Carney, Dusseault, Goodman, Harrington, Hastie, Higgins, Hoffman, Hughes, Kempland, Lochray, Loud, Moran, Norton, Poole, Wing, Woodson.

Total—50.

Ayes—33.

Nays—17.

On motion of Monteath, H. B. No. 75 was made special order for 7:30 P. M.

On motion of Beach, H. B. No. 130 was made special order for 7:30 P. M.

On motion of Day, all appropriation bills on General Orders were made special order for 7:30 P. M.

Wallace moved that Committee on Internal Improvements, to whom was referred H. B. No. 59, be instructed to report forthwith.

Motion adopted and committee so instructed.

Senate Sub. B. No. 13, with House amendments, read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Barrows, Beach, Blair, Blakely, Breen, Carney, Clark, Cory, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Schmidt, Stebbins, Toole, Thompson, Wallace, Whaley, Wing, Woodson, Higgins, Roberts, Mr. Speaker.

Total—45.

Ayes—42.

Nays—3.

Senate Bill No. 9 was read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Beach, Boardman, Blair, Blake, Blakely, Breen, Carney, Cory, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Norton, Penrose, Poole, Schmidt, Toole, Thompson, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Noes—Monteath, Phillips, Roberts, Stebbins.

Total—47.

Ayes—43.

Nays—4.

Senate J. M. No. 2 was read third time, placed on final passage, and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Breen, Carney, Clark, Cory, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Thompson, Wallace, Wing, Woodson, Mr. Speaker  
—Total 45.

Noes—Toole, Whaley—Total 2.

Ayes—45.



Nays—2.

Total vote—47.

Senate Bill No. 29, was read third time and placed on final passage and passed by following aye and noe vote:

Ayes—Boardman, Blakely, Breen, Carney, Clark, Cory, Day, Dusseault, Eaton, Frank, Greenough, Harrington, Hollywood, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, Moran, Newcomer, Phillips, Penrose, Poole, Roberts, Stebbins, Toole, Thompson, Wallace, Whaley, Wing, Woodson, Mr. Speaker—Total 34.

Noes—Beach, Blair, Goodman, Harlan, Hastie, Higgins, Hoffman, McElwee, Monteath, Norton, Schmidt.—Total 11.

Ayes—34.

Noes—11.

Total vote—45.

Senate Bill No. 39 was read third time, placed on final passage and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Breen, Burns, Clark, Cory, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Wallace, Whaley, Wing, Woodson, Humber, Mr. Speaker—Total 46.

Total—48.

Ayes—46.

Nays—2.

Senate Bill No. 31, was read third time, placed on final passage and passed by following aye and noe vote:

Beach, Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Eaton, Frank, Goodman, Eaton, Harlan, Harrington, Hastie, Higging, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes. Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, New-

comer, Norton, Phillips, Penrose, Poole, Schmidt, Stebbins, Toole, Thompson, Wallace, Whaley, Woodson, Mr. Speaker.—Total 46.

Noes—Roberts, Wing—Total 2.

Ayes—46.

Noes—2.

Total vote—48.

Senate Bill No. 32 was read third time, placed on final passage and passed by following aye and noe vote.

Ayes—Barrows, Beach, Blair, Blakely, Breen, Burns, Carney, Clark, Day, Eaton, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Howey, Hughes, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Schmidt, Toole, Thompson, Wallace, Whaley, Woodson, Mr. Speaker—Total 45.

Noes—Boardman, Cory, Dusseault, Frank, Horsky, Humber, Poole, Roberts—Total 7.

Ayes—38.

Noes—7.

Total vote—45.

Senate Bill No. 22 was read third time and placed on final passage, and passed by following aye and no vote:

Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Frank, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Schmidt, Toole, Thompson, Whaley, Woodson.

Eaton, Goodman, Poole.

Total—43.

Ayes—40.

Noes—3.

Senate Bill No. 47 was read third time and placed on final passage and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakeley, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Frank, Goodman, Greenough, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Poole, Roberts, Schmidt, Toole, Thompson, Whaley, Woodson, Mr. Speaker—Total 43.

Nocs—Harrington—Total 1.

Ayes—43.

Noes—1

Total vote—44.

Senate Bill No. 18 was read third time and placed on final passage, and passed by following aye and noe vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Thompson, Whaley, Woodson.

Noes—Harlan, Toole, Mr. Speaker.

Total.

Ayes—42.

Noes—3.

Senate Bill No. 16, with amendments, read third time, placed on final passage, and passed by following aye and noe vote:

Ayes—Boardman, Blair, Blake, Burns, Clark, Cory, Day, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harrington, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Loud, McElwee, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Whaley, Woodson.

Noes—Blakely, Crutchfield, Hollywood, Hughes, Moran, Mr. Speaker.

Total—40.

Ayes—34.

Noes—6.

Senate Bill No. 21, with House amendments, read third time and placed on final passage, and passed by following ye and no vote:

Ayes—Blair, Blake, Blakely, Breen, Carney, Cory, Crutchfield, Dusseault, Goodman, Greenough, Hardenbrook, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, Loud, Moran, Monteath, Newcomer, Norton, Penrose, Roberts, Toole, Thompson, Whaley, Woodson, Mr. Speaker.

Noes—Clark, McElwee, Poole, Schmidt, Stebbins.

Total—38.

Ayes—33.

Nays—5.

H. B. No. 50 was read third time, placed on final passage, and passed by following ye and no vote:

Ayes—Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Schmidt, Toole, Thompson, Whaley, Woodson, Mr. Speaker.

Noes—Poole.

Total—41.

Ayes—40.

Nays—1.

Printing Committee made following report:

*Mr. Speaker:* Your Committee on Printing beg leave to report H. B. No. 173 as correctly printed.

HARDENBROOK,  
Chairman.

H. B. No. 173 referred to Judiciary Committee.

The following communication was received from the State Board of Examiners:

*To the House of Representatives of the Legislative Assembly of the State of Montana:*

We have the honor to transmit herewith claim of Blackburn & Middlemas for \$29.45, which has been approved for the sum \$29.45.

[Signed]

JOS. K. TOOLE,  
L. ROTWITT,  
H. J. HASKELL,

Members State Board of Examiners.

The following communication was received from the Governor:

Helena, Montana, March 3rd, 1891.

*To the House of Representatives:*

I have approved the following bills:

H. B. No. 112, an act appropriating money to pay for the care and keeping of State convicts.

H. B. 150, an act fixing the per diem of the officers and attaches of the Second Legislative Assembly of the State of Montana.

H. B. No. 151, an act fixing the per diem of the officers and attaches of the Senate of the Second Legislative Assembly of the State of Montana.

H. B. No. 113, an act appropriating money for the relief of Jessie P. Stafford.

H. B. No. 114, an act appropriating money for the relief of A. P. Brown.

H. B. No. 120, an act appropriating money for the relief of A. C. Witter and others.

H. B. No. 72, an act appropriating money for the support of the National Guard.

H. B. No. 1, an act to create the office of additional judges for certain districts.



H. B. No. 76, an act to provide for the care, custody and maintenance of State convicts.

H. B. No. 9, an act fixing the fees of the Secretary of State.

H. B. No. 12, an act fixing the compensation for board of prisoners in county jails.

H. B. No. 14, an act defining the powers and prescribing the duties of additional judges.

H. B. No. 62, an act to provide for the care and keeping of the insane.

H. B. No. 88, an act appropriating money for the benefit of the Montana Law Library.

H. B. No. 54, an act requiring railroad companies to pay for damages to stock.

H. B. No. 23, an act to repeal Sections 252, 253 and 254 of the Fourth Division of the Compiled Statutes of Montana, to-wit: The Criminal Code.

Sub. H B. No. 2, an act entitled an act relating to information in criminal cases.

H. B. No. 89, an act appropriating money to pay the salaries of the officers and members of the (Senate?) and House of Representatives of the First Legislative Assembly of the State of Montana and the mileage of said members of said session.

JOS. K. TOOLE,

Governor.

The following communication was received from the Senate.

Helena, Mont., March 3, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the following bills have passed the Senate:

H. B. No. 135, as amended.

H. Bills Nos. 43, 48, 110, 111.

H. B. No. 95 as amended.

Senate Bills Nos. 66, 65, 67, substitute for Senate Bill No. 35.

H. Bills Nos. 97, 119, 132, 168.

JNO. J. FALLON,  
Secretary.

*Mr. Speaker, House of Representatives:*

I am directed to inform your honorable body that the following bill was introduced in the Senate without previous notice:

S. B. No. 68, by Gibson, a bill for an act to amend an act entitled an act to amend an act to enable cities and towns to incur indebtedness.

I am further directed by the Senate to advise your honorable body that H. B. No. 82 has been indefinitely postponed in the Senate, and that Senate Bill No. 33, H. Bills Nos. 99, 121 have passed the Senate and are herewith transmitted.

JNO. J. FALLON,  
Secretary.

Senate amendments to H. B. No. 95, were read and on motion of Harlan were concurred in by following aye and noe vote:

Ayes—Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Loud, McElwee, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Toole, Thompson, Whaley, Woodson.

Total—34.

Ayes—34.

Senate Bill No. 68 was placed on file for first and second reading.

Senate Bill No. 66 was read first and second times and referred to Judiciary Committee.

S. B. No. 33 read first and second times, referred to the Committee on Federal Relations.

Frank called for special orders and moved that House resolve itself into Committee of the Whole for consideration S. Bills 40, 20 and 6.

Clerk gave notice that S. B. No. 26 was in the hands of Committee on Appropriations and Claims.

House resolved itself into Committee of the Whole.

Hardenbrook in the chair.

Committee arose.

House resumed.

Mr. Speaker pro tem in chair.

Hardenbrook, Chairman Committee of the Whole, reported that the Committee having had under consideration S. B. No. 40, recommend its passage, and asked further time to report.

On motion of Greenough, House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Goodman called for special orders left from last evening.

On motion of Loud, H. Bills Nos. 53 and 117 were made special order for 11 A. M. Wednesday morning.

Committee arose.

House resumed,

Mr. Speaker pro tem in the chair.

Beach, Chairman Committee of the Whole, reported progress and asked further time to report.

Hardenbrook moved that third reading of Senate and H. Bills be made special order for 10:30 A. M. to-morrow.

Motion carried.

Frank moved that House resolve itself into Committee of the Whole for consideration of special orders.

Hardenbrook moved to amend by excluding from special orders all but appropriations.

Motion carried.

Senate amendments to H. B. No. 135 were read on motion of Howey.

Amendments were concurred in by following aye and noe vote :

Ayes—Beach, Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmiet, Thompson, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Total: Ayes—43.

Frank moved that three additional clerks be assigned to Enrollment Committee.

Motion carried.

On motion of Higgins, rules were suspended and S. S. B. No. 35 read first and second times and referred to Judiciary Committee.

Senate Bills Nos. 65 and 67 were read first and second times and referred to Judiciary Committee.

House resolved itself into Committee of the Whole.

Hardenbrook in the chair.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Hardenbrook, Chairman Committee of the Whole, asked further time to report.

On motion of Greenough, House adjourned.

CHAS. Z. POND,  
Chief Clerk.

## FIFTY-NINTH DAY.

## HOUSE OF REPRESENTATIVES

Helena, Montana, March 4th, 1891.

House met pursuant to adjournment.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty-seventh day read and approved.

Committee on Education made following report:

• *Mr. Speaker:* Your Committee on Education, to whom was referred H. B. No. 138, a bill for an act to establish, locate and endow a State normal school, beg leave to report the same back without recommendation.

NORTON,  
Chairman.

The Judiciary Committee made the following report, viz:

*Mr. Speaker:* Your Committee on Judiciary, to whom was referred H. B. No. 173, Senate Bills Nos. 66 and 67 and substitute for Senate Bill No. 35, report the same back with the recommendation that they do pass.

WM. WALLACE, JR.  
Chairman.

The following notice was presented, viz:



*Mr. Speaker:* I hereby give notice that I will on to-morrow introduce a bill providing for seven additional judicial districts, of the State of Montana, and the appointment of judges therefor

Also a bill providing for the payment of interest from the first to the last of each quarter, on the salaries of all State officers and employes.

HARRINGTON.

Messages were received from the Senate as follows, viz:

Helena, Montana, March 3d 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to in form your honorable body that, the Senate has concurred in House amendments to S. B. No. 44.

Very Respectfully,

JNO. J. FALLON,

Secretary.

Helena, Montana, March 4th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body, that Senate Bill No. 34 has passed the Senate and the same is hereby transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

Helena, Mont , March 4th, 1891

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that Senate Bill No. 45 has passed the Senate and the same is herewith transmitted.

Very Respectfully,

JNO. J. FALLON,

Secretary.

S. B. 44, 34 and 45 were thereupon ordered filed for first reading.

Committee on Federal Relations made the following report:

*Mr. Speaker:* Your Committee on Federal Relations, to whom was referred H. B. No. 57, have had the same under consideration and report the same back to the House and recommend its early consideration.

BLAKELY,

Chairman pro tem.

H. B. No. 57 placed on General Orders.

On motion of Goodman, rules were suspended and S. B. No. 35 was placed on Calendar for third reading.

Committee on Appropriations and Claims made the following reports:

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. No. 170 and recommend that it be amended as herewith endorsed, and as so amended recommend it do pass.

TOOLE,

Chairman.

H. B. No. 170 referred to General Orders.

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. No. 149 and report the same back with the recommendation that it be laid on the table.

H. B. No. 149 placed on General Orders.

Committee of the Whole made the following report:

March 3rd, 1891.

*Mr. Speaker:* Your Committee of the Whole, having had under consideration Senate Bill No. 40 report the same back with amendments and as amended recommend it do pass.

Very Respectfully,

HARDENBROOK,

Chairman.

S. B. No. 40 referred to Engrossment Committee.

Appropriations and Claims, H. B. 171 General Orders.

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. 171, and report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

Appropriations and Claims, S. B. 20, General Orders.

*Mr. Speaker:* Your Committee on Appropriations have had under consideration S. B. No. 20 and recommend that the appropriation be changed from \$75,000 to \$50,000 of this amount \$15,000 to be used for the year 1891 and \$35,000 to be used for the year 1892, and as so amended recommend it do pass.

TOOLE,  
Chairman.

Beach moved rules suspended and H. B. No. 118 be read third time by title. So read, placed on final passage and passed by following aye and nay vote, viz:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen Burns, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Woodson, Mr. Speaker—Total 46.

Noes—Whaley—Total 1.

Ayes 46.

Noes—1.

Total—47.

Committee on Appropriation and Claims, H. B. No. 169.

*Mr. Speaker:* Your Committee on Appropriations have had under consideration H. B. No. 169, entitled, an act providing for the relief of C. R. Reardon and others, report the same back with accompanying amendment, and as so amended recommend it do pass.

TOOLE.  
Chairman.

Message from the Senate.

March 4th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body, that, House Bill No. 73 as amended and Senate Bill No. 68 have passed in the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

March 4th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that, House Bill No. 141 has passed the Senate and is herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

Comly moved that rules be suspended, all special orders be set aside and regular order of business taken up.

Carried.

Committee on State Boards and Officers, H. B. 172, (two reports). Majority report adopted.

March 4, 1891.

*Mr. Speaker:* We, the minority of your Committee on State Boards and Officers, to whom was referred H. B. No. 172, a bill for an act authorizing the State Boards of Prison Commissioners to contract for the maintenance and confinement of certain prisoners, would respectfully recommend that it do not pass.

WHALEY, Chairman.

FRANK,

HOLLYWOOD.

*Mr. Speaker:* We, the majority of your Committee on State Boards and Officers, to whom was referred House Bill No. 172. A bill for an act authorizing the State Board of Prisons Commissioners to contract for the maintenance and confinement of

certain prisoners, beg leave to refer the same back to the House with the recommendation that it do pass.

POOLE,  
CARNEY,  
MORAN,  
NEWCOMER,  
BLAKE.

Special committee, H. B. No. 124.

March 3, 1891.

*Mr. Speaker:* Your select committee, to whom was referred by the Committee of the Whole, H. B. 124, a bill for an act to create the office of County Auditor, respectfully report the same back with the following amendments and with such amendments recommend that it do pass.

HIGGINS,  
Chairman.

On motion, the majority report was adopted.

Committee on Ways and Means made following reports, viz:

*Mr. Speaker:* Your Committee on Ways and Means, to which was referred House Bill No. 63, for an act to amend an act entitled an act concerning licenses, begs leave to report the same back without recommendation.

COMMITTEE ON WAYS AND MEANS,  
Chairman.

Bill was placed on General Orders.

*Mr. Speaker:* Your Committee on Ways and Means, to which was referred H. B. No. 125, a bill for an act to prohibit certain gambling games and the use of certain gambling devices and fixing penalties for violation thereof, begs leave to report the same back without recommendation.

WAYS AND MEANS COMMITTEE,  
Chairman.

Bill placed on General Orders.



*Mr. Speaker:* Your Committee on Ways and Means, to which was referred S. B. No. 60, a bill for an act to provide for the levy of taxes and assessment of property, approved September 14th, 1887, beg leave to report that it has not had time in which to give the bill careful consideration, and would respectfully report the same back with the recommendation that it be placed on General Orders.

COMMITTEE ON WAYS AND MEANS,  
Chairman.

S. B. No. 60 placed on General Orders.

H. B. No. 83 placed on General Orders.

Report of Committee of the Whole.

March 3d, 1891.

*Mr Speaker:* Your Committee of the Whole having had under consideration House Bills Nos. 105, 61, 161, 75, 130 and Senate Bill No. 6, report:

H. B. Nos. 105, 61 and 130 back with amendments and as so amended recommend they do pass.

H. Bills Nos. 75 and 161 reported back without amendments, with recommendation they do pass as read. Senate Bill No. 6 is reported back with recommendation that action on same be indefinitely postponed.

Yours Respectfully,  
E. BEACH,  
Chairman.

Report adopted and bills recommended ordered engrossed.

The following communication was received from the Senate,  
viz:

Helena, Montana, March 4th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B. No. 44 and H. Sub. B. No. 148 as amended have passed the Senate and are herewith transmitted.

Yours respectfully,  
JNO. J. FALLON,  
Secretary.

Helena, Montana, March, 4, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that, the Senate has concurred in House amendments, to Senate Substitute Bills Nos. 9, 13 and 18 and Senate Bills Nos. 16 and 21.

Very Respectfully,

JNO. J. FALLON,

Secretary.

Speaker Comly gave notice about to sign and signed same in person of the House: S. B. No. 37, H. B. No. 44, H. B. No. 29, H. B. No. 22, S. J. M. No. 3.

Committee.

Committee on Enrollment H. B. No. 43, H. B. No. 99, H. B. 95, H. B. No. 111, H. B. No. 110, H. B. No. 48, H. B. No. 121, H. B. No. 168, H. B. No. 97.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following House Bills correctly enrolled:

H. B. No. 99, an act to allow Frank Conly and Thomas McTague interest on their claims against the State of Montana for keeping and maintenance of State convicts, also payment for improvements, additions and repairs made by said Conly and McTague in and to the State Penitentiary at Deer Lodge, Montana.

H. B. No. 43, an act to amend an act entitled an act for the better protection of game and fish, approved Feb. 28, 1889.

H. B. No. 95, an act relating to the duties of Clerks of Boards of County Commissioners in issuing notices of elections.

H. B. No. 111, an act to provide for the election of a Representative in Congress.

H. B. No. 110, an act to provide for the election of presidential electors.

H. B. No. 48, an act to enable the Courts of the State of Montana to provide proper seals.

H. B. No. 121, an act to provide revenue for the support of the government of the State of Montana for the fiscal years of 1891 and 1892.

H. B. No. 168, an act to prevent depredations upon the school, university and other lands of the State.

H. B. No. 97, an act to allow Armisted H. Mitchell and Charles F. Mussigbrod interest upon their claims against the State of Montana for the care and maintenance of the insane.

DAY,  
Chairman.

Toole, by unanimous consent, introduced H. B. No. 174.

Read first and second times.

Referred to Printing Committee.

Committee on Appropriations and Claims reported H. B. No. 169, with amendments.

On motion of Toole, amendments adopted, rules suspended and bill ordered engrossed for third reading.

Committee on Federal Relations report:

*Mr. Speaker:* Your Committee on Federal Relations, having had under consideration H. B. No. 133, report the same back amended, and as amended recommend it do pass.

Report adopted.

Committee on Agriculture and Stock Growing, H. B. No. 57, report:

*Mr. Speaker:* Your Committee on Agriculture and Stock Growing, to whom was referred H. B. No. 57, for an act giving the consent of the State of Montana to the purchase by the United States of land in any town of the State for the purpose of United States Court Houses, post offices, and for other purposes, would respectfully report the same without recommendation.

BURNS,  
Chairman.

On motion of Wallace, rules suspended and bill read third time, and concurred in by following aye and nay vote:

Aye—50.

Nays—2.

Beach, Boardman, Blair, Blake, Blakely, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Good-

man, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson. Waite, Wallace, Whaley, Wing, Woodson, Speaker.

Committee on H. B. 59. Report.

*Mr. Speaker:* Your committee, to whom was referred H. B. No. 59, a bill for an act entitled, an act providing for the submission of the permanent location of the seat of government, report the same back without recommendation.

HIGGINS,  
Chairman Committee Internal Improvements.

Engrossment Committee on H. Bills 33, 47, 56, 118, 129, 160, 162, 163 and 164, report:

*Mr. Speaker:* Your Committee on Engrossment return herewith H. Bills Nos. 33, 47, 56, 118, 129, 160, 162, 163 and 164 correctly engrossed.

KEMPLAND,  
Chairman.

On calendar for third reading.

Committee on Agriculture and Stock Growing, H. B. No. 147, report:

*Mr. Speaker:* Your Committee on Stock Growing and Agriculture, to whom was referred H. B. 147, for an act entitled, an act for the preservation and protection of non-indigenous fish in the waters of Montana, would respectfully recommend that the word non-indigenous be changed to read non-sec-tarian fish.

BURNS,  
Chairman.

Placed on General Orders.

Speaker Comly gave notice about to sign H. B. 111, H. B. 43, H. B. 99, H. B. 48, H. B. 121, H. B. 97, H. B. 168 and H. B. 110.

Said bills signed in presence of the House.

Select committee on H. B. 144 report.

*Mr. Speaker:* Your select committee to whom was referred H. B. 144, an act entitled an act in regard to building and loan associations, have had the same under consideration, and recommend that for want of time further consideration be postponed.

BLAKELY,  
MONTEATH,  
HUGHES,  
HARLAN,  
FRANK.

Placed on General Orders.

Special committee on H. B. 139 report:

*Mr. Speaker:* Your special committee on H. B. 139 report as follows: Amend title so as to read as follows: An act concerning licenses. Amend section 1 by erasing the first two lines, and two first words of line three, and insert in lieu thereof section 1. Erase lines 7 and 8 and first two words of line 9, and insert in lieu thereof section 2. Erase lines 26 and 27 and first two words of line 1, page 3, and insert in lieu thereof section 3. Add sections 4 and 5.

Mr. Frank moved that amendments to H. B. No. 139 be adopted and ordered engrossed for third reading.

Recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Stebbins moved rules be suspended in S. B. No. 33 and that amendments to S. B. No. 33 be considered engrossed for third reading.

Ayes and nays called.

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Burns, Carney, Clark, Cory, Crutchfield, Day, Eaton, Frank, Goodman, Harlan, Harrington, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, Lochray, Loud, McElwee Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Pen-



rose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Woodson, Mr. Speaker.

Adopted by following vote:

Ayes—33.

Nays—11.

So ordered.

Norton moved to table.

Ayes and nays called.

Motion lost by following vote:

Ayes—8.

Nays—33.

Committee on Enrollment reported.

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following H. B's correctly enrolled:

H. B. No. 132, an act to attach certain portions of the right of way of the Northern Pacific Railroad Company and the Rocky Fork and Cooke City Railway Company to Yellowstone County for purposes of taxation and for judicial purposes.

H. B. No. 119, an act to provide for the selection and conveyance of school and university lands and of certain public lands donated to the State of Montana by the United States for various public buildings and institutions, and to pay the necessary expense thereof.

H. B. No. 44, an act entitled an act to provide for the taking of depositions of persons imprisoned for the purpose of securing their testimony in criminal proceedings.

Substitute for H. B. No. 148, an act appropriating a certain sum of money for the relief of R. G. Humber.

DAY,  
Chairman.

Message from Senate received on H. B. No. 141.

Ordered enrolled.

Mr. Loud moved that rules be suspended and all bills on Calendar be placed on third reading.

Carried.

On motion of Mr. Harlan, resolved that rules be suspended and all bills except appropriation bills be read by title.

Adopted.

S. B. No. 25 read third time, placed on final passage, and concurred in by following aye and nay vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Wing, Woodson, Mr. Speaker.

Ayes—39.

Nays—9.

Mr. Speaker gave notice, about to sign H. B. 44, Sub. H. B. 148, H. B. 119, H. B. 132, signed in presence of the House.

Engrossment Committee on amendments to S. B. 40 report:

*Mr. Speaker:* Your Committee on Engrossments return herewith amendments to S. B. No. 40, correctly engrossed.

S. B. No. 17 with amendments, read third time, placed on final passage and concurred in by following aye and nay vote:

Ayes—Barrows, Beach, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Ayes—49.

Nays—2.

Title concurred in.

Mr. Blakely moved that rule 89 be suspended.

Ruled out of order by the chair.

H. B. 33 read third time and placed on final passage and passed by following aye and noe vote:

Barrows, aye,	Blake, nay,
Blakely, aye,	Beach, aye,
Breen, aye,	Boardman, aye,
Burns, aye,	Blair, aye,
Crutchfield, aye,	Carney, aye,
Clark, aye,	Cory, aye,
Dusseault, aye,	Eaton, aye,
Frank, aye,	Goodman, aye,
Greenough,	Hardenbrook, aye,
Harlan, aye,	Hoffman, aye,
Harrington,	Hastie, aye,
Horsky, aye,	Hollywood, aye,
Holter, nay,	Humber, aye,
Howey, aye,	Hughes, yea,
Lochray, aye,	Loud, yea,
Moran, aye,	Monteath, yea,
McElwee, aye,	Newcomer, nay,
Norton, aye,	Penrose, yea,
Phillips, nay,	Poole, aye,
Roberts, yea,	Schmidt, yea,
Stebbins, aye,	Toole, yea,
Thompson, yea,	Waite, aye,
Wallace, yea,	Whaley, yea,
Wing, aye,	Woodson, yea,
Mr. Speaker, yea.	

Total, ayes—44.

Nays—4.

H. B. 47 read third time by title, placed on final passage and passed by following aye and nay vote:

Ayes—Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Cory, Crutchfield, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey,

Hughes, Humber, Kempland, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Total vote, ayes—44.

Nays—3.

Title agreed to.

Message from Senate received and read as follows:

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B. No. 139 has passed the Senate and is herewith transmitted.

JNO. J. FALLON,  
Secretary.

Referred to Enrollment Committee.

H. B. No. 56 read third time, placed on final passage and passed by following aye and nay vote:

Ayes—Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker—Total 35.

Ayes—35.

Noes—13.

Mr. Comly gave notice to reconsider vote by which H. B. No. 56 was passed.

H. B. No. 129 read third time.

Mr. Comly moved that further consideration be deferred until 10 A. M. to-morrow.

Mr. Monteath moved in amendment that bill be placed at bottom of calendar.

Adopted and so ordered.

H. B. No. 160 read third time, placed on final passage and passed by following aye and nay vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Nays—Phillips, Poole.

Total vote—49.

Ayes—47.

Nays—2.

Title agreed to.

H. B. No. 162 read third time, placed on final passage, and passed by following aye and nay vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Total vote—50.

Ayes—50.

Nays—0.

Title agreed to.

Mr. Speaker gave notice that he was about to sign Sen. Con. Res. No. 2, Sub. for S. B. No. 13, Sub. for S. B. No. 9, S. B. No. 16, S. B. No. 20, S. B. No. 31, S. B. No. 39, S. B. No. 47, and signed same in presence of the Senate.

H. B. No. 163 read third time, placed on final passage and passed by following aye and nay vote:



Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, Humber, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Roberts, Schmidt, Stebbins, Toole, Thompson, Wallace, Whaley, Wing, Woodson, and Speaker.

Nays—Poole.

Total vote—45.

Ayes—44.

Nays—1.

Title agreed to.

H. B. No. 164 read third time, placed on final passage, and passed by following aye and nay vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Hastie, Harrington, Higgins, Hoffman, Hollywood, Holter, Howey, Humber, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Wallace, Whaley, Wing, Woodson, Mr. Speaker.

Total vote—43.

Ayes—43.

Nays—0.

Title agreed to.

Substitute for H. B. No. 84 read third time, placed on final passage and passed by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Humber, Kempland, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Wallace, Whaley, Wing, Woodson—Total 46.

Nays—Mr. Speaker (H. R. Comly.)

Senate Bill No. 33 with House amendments read third time, placed on final passage, concurred in by following aye and noe vote:

Ayes—Beach, Boardman, Blair, Blake, Blakely, Breen, Cory, Crutchfield, Day Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Lochray, Loud, Mitchell, Moran, Monteath, Newcomer, Phillips, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Waite, Wing, Mr. Speaker, [H. R. Comly].

Ayes—40.

Noes—Barrows, Burns, Carney, Clark, Norton, Whaley, Woodson.

Noes—8.

Comly gave notice of motion to reconsider vote by which S. B. No. 33 was passed.

Eaton moved to reconsider vote by which S. B. No. 33 was passed.

Harlan moved to table the motion.

Carried.

H. B. No. 129 was now reached on calendar.

Phillips moved that further consideration of the bill be indefinitely postponed.

Motion lost.

H. B. No. 129 was now read third time, placed on final passage, and passed by following aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Clark, Cory, Frank, Goodman, Harlan, Hoffman, Holter, Horsky, Hughes, Humber, Loud, Mitchell, Moran, Norton, Penrose, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson.

Noes—Breen, Carney, Crutchfield, Day, Dusseault, Hardenbrook, Hastie, Higgins, Hollywood, Howey, Lochray, McElwee, Monteath, Newcomer, Phillips, Poole, Roberts, Schmidt, Mr. Speaker (H. R. Comly).

Wallace moved to reconsider vote by which H. B. No. 129 was passed.

Harlan moved to lay motion on the table.

Carried by following **H**aye and no vote:

Ayes—Barrows, Beach, Boardman, Blair, Clark, Cory, Frank, Goodman, Hoffman, Holter, Hughes, Humber, Loud, Mitchell, Moran, Norton, Penrose, Stebbins, Toole, Thompson, Waite, Wallace, Whaley, Wing, Woodson.

Noes—Breen, Carney, Crutchfield, Day, Dusseault, Hardenbrook, Harrington, Higgins, Hollowood, Horsky, Howey, Lochray, McElwee, Monteath, Newcomer, Phillips, Roberts, Schmidt, Mr. [H. R. Comly.]

Loud moved that rules be suspended and that H. B. No. 172 be considered engrossed and placed on calendar for third reading.

Motion lost by following vote:

Ayes—Barrows, Beach, Blair, Blake, Cory, Eaton, Harlan, Hastie Higgins, Hoffman, Holter, Lovd, Moran, Newcomer, Phillips, Poole, Schmidt, Stebbins, Toole, Thompson, Waite, Wallace, Wing, Woodson, Mr. Speaker.

Noes—Blakely, Breen, Burns, Carney, Clark. Crutchfield, Day, Dusseault, Frank, Goodman, Hardenbrook, Harrington, Hollowood, Horsky, Howey, Hughes, Humber, Lempland, McElwee, Monteath, Norton, Penrose, Roberts, Whaley.

Comly moved to recover vote by which Loud's motion was lost.

Norton moved to lay motion on table.

Ayes and nays called.

Motion adopted by the following vote:

Ayes—Barrows, Blakely, Breen, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrooe, Hastie, Higgins, Hoffman, Hollywood, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Monteath, Norton, Penrose, Roberts, Stebbins, Thompson, Waite, Wallace, Whaley, Woodson—Total 35.

Nays—Beach, Blair, Blake, Cory, Harlan, Harrington, Holter, Howey, Moran, Newcomer, Phillips, Poole, Toole, Wing, Speaker (Comly)—15.

Ayes—35.

Nays—15.

Engrossment Committee reported on H. Bills 75, 105 and 124 as follows:

*Mr. Speaker:* Your Committee on Engrossment return herewith H. Bills Nos. 75, 105 and 124 correctly engrossed.

KEMPLAND,

Chairman.

Placed on file for third reading.

Engrossment Committee also reported on H. Bills 32, 130, 161 and 169 as follows:

*Mr. Speaker:* Your Committee on Engrossment return herewith H. Bills Nos. 32, 130, 161 and 169 correctly engrossed.

KEMPLAND,

Chairman.

Enrolling Committee on H. Bills 97, 168, 99, 43, 95, 111, 48, 132, 119, 44 and Substitute H. B. 148 reported:

*Mr. Speaker:* Your Committee on Enrollment have on this day, March 4th, at 3:20 P. M., delivered to Gov. Jos. K. Toole the following House Bills:

H. B. 97—An act to allow Armistead H. Mitchell and Chas. F. Mussigbrod interest upon their claims against the State of Montana for the care and maintenance of the insane.

H. B. 168—An act to prevent depredation upon the school, university and other lands of the State.

H. B. 99—An act to allow Frank Conly & McTague interest on their claims against the State of Montana for keeping and maintenance of State convicts; also payment for improvements, additions and repairs made by said Conly and McTague in and to the State penitentiary at Deer Lodge, Montana.

H. B. 43—An act to amend an act entitled, an act for the better protection of game and fish. Approved February 28th, 1889.

H. B. 95—An act relating to the duties of clerks of Boards of County Commissioners in issuing notices of election.

H. B. 111—An act to provide for the election of a representative in Congress.

H. B. No. 110—An act to provide for the election of presidential electors.

H. B. No. 121—An act to provide revenue for the support of the government of the State for the fiscal years of 1891 and 1892.

H. B. No. 48—An act to enable the Courts of the State of Montana to provide proper seals.

H. B. No. 132—An act to attach certain portions of the right of way of the Northern Pacific Railway Company and the Rocky Fork and Cooke City Railway Company to Yellowstone County for purposes of taxation and judicial purposes.

H. B. No. 119—An act to provide for the selection and conveyance of school and university lands, and of certain public lands donated to the State of Montana by the United States for various public buildings and institutions and to pay the necessary expenses thereof.

H. B. No. 44—An act entitled an act to provide for the taking of depositions of persons imprisoned for the purpose of securing their testimony in criminal proceedings.

Substitute for H. B. No. 148—An act appropriating a certain sum of money for the relief of R. G. Humber.

DAY,  
Chairman.

Printing Committee on H. B. 174 reported:

*Mr. Speaker:* Your Committee on Printing beg leave to report H. B. No. 174 as correctly printed.

HARDENBROOK,  
Chairman.

Placed on General Orders.



Mr. Harlan moved H. B's. Nos. 53 and 117 be made House orders for 8 P. M.

Carried.

Mr. Monteath moved that the rules be suspended and that H. B. No. 173 be considered engrossed and placed on calendar for third reading.

Carried.

H. B. No. 105, with amendments, read third time, placed on final passage, and passed on following aye and nay vote:

Ayes—Barrows, Boardman, Beach, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Wallace, Whaley, Wing, Woodson.

Total—49.

Noes—Penrose and Mr. Speaker.

Total—2.

Title agreed to.

H. B. No. 75 read third time, placed on final passage and passed by following aye and nay vote:

Ayes—Beach, Boardman, Blair, Blake, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Howey, Hughes, Humber, Kempland, Loud, McElwee, Mitchell, Monteath, Newcomer, Norton, Phillips, Roberts, Schmidt, Toole, Thompson, Wallace, Whaley, Woodson, and Mr. Speaker—Total 44.

Noes—Moran, Penrose, Poole, and Wing—Total 4.

Title agreed to.

H. B. No. 124 read third time, placed on final passage and passed by following aye and nay vote:

Ayes—Blakely, Breen, Clark, Crutchfield, Day Dusseault, Eaton, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hughes, Humber, Kempland, Loud, McElwee, Mitchell, Moran, Monteath, Phillips, Poole, Roberts, Schmidt, Stebbins, Toole, Thompson, Whaley, and Mr. Speaker.

Noes—Beach, Boardman, Blair, Burns, Carney, Cory, Hardenbrook, Holter, Horsky, Howey, Norton and Wallace.

Ayes—31.

Noes—12.

Total vote—43.

Recess until 8 P. M.

At 8 P. M. House resumed, Mr. Speaker pro tem in the chair.

Communication from Senate received as follows:

*Mr. Speaker:* I am directed by the Senate to inform your honorable body that the Governor returned S. B. No. 10 with his objection thereto, (a copy of which is herewith enclosed.) The Senate reconsidered the vote, by which the bill was passed.

The question being put "shall this bill pass notwithstanding the objection of the Governor thereto," a two-third vote being in favor of its passage it was declared passed, notwithstanding the objection of the Governor, and the same is herewith transmitted.

JOHN J. FALLON,  
Secretary,

Copy of Governor's objection.

Helena, March 4, 1891.

*To the Senate:*

I herewith return without my approval and with my objections, Senate Bill No. 10, "an act to amend Sections 446, 460, 467, 468 and 472 of Chapter 25, Fifth Division of General Laws of Montana, relating to corporations for industrial or productive purposes.

The purpose of this bill appears to be to confer the benefits and privileges of the incorporation act upon mercantile estab-

lishments and to extend the time of incorporation to fifty years. The custom of forming private corporations for the purposes of engaging in undertakings which are proper subjects for individual enterprise has existed for such a length of time that it has come to be regarded by many persons as competent, under the existing law, and while in my opinion, such a construction is a perversion of the spirit of the law, I have heretofore treated it as permissible, and in inveighing against it scarcely a month ago, used this language in addressing the Legislative Assembly: "The organization of corporations to carry on large enterprises has become a necessity in this and other States, the developments of our resources and the carrying forward of projects for the public good in many instances are of such magnitude and require the outlay of such large sums of money, that private capital cannot be induced to embark in them.

"The law should provide for the incorporation of such, but I condemn as bad legislation, the existing Statute, inherited from the Territory, which permits almost every character, of business and industry to become the subject of an incorporation, whereby the liability of the stockholders is limited. No one but a creditor is entitled to see the books of the corporation, and hence a person dealing with such concerns in the first instance is at a disadvantage." These remarks were directed against the propriety of permitting the very concerns, mercantile establishments, which this bill proposes to become the object of an incorporation. If under the present law, mercantile business may not be incorporated, I certainly cannot, in view of the opinion then and now entertained, approve the passage of a law which expressly creates the evil complained of. Corporations are created to serve good purposes, and in many instances perform offices of public benefit and necessity, that individuals would not or could not accomplish, and if such are not already provided for they should be. It was not intended, however, that corporations should usurp or supplant the functions of a citizen or relieve him of personal responsibility in the ordinary avocations of life. Nor is it promotive of the common weal that they should. Public policy and expediency will not sanction it.

If I were to set about deliberately to promote the formation of trusts and combinations, in the necessities of life by controlling

the prices, of such commodities, the first step taken in that direction would be to authorize merchantile, establishments to incorporate. We are building for the future and it will not be prudent for us to be unmindful of the fact that there is danger in the centralizing tendencies of business and in the growth of monopolies and trusts, which frtify themselves by the aggregation of capital and by other influences permeating all branches of trade and classes of society, unchecked by any feeling of individual responsibility, movnd solely by a life of gain, unfettered by the duties of citizenship, they are enabled to perpetuate themselves by the adoption of methods and the use of agents which often scruple at no means to accomplish their ends. The result is the crowding out of healthy competition, and the survival of the strongest, which, under the process, is by no means the fittest. This result blunts the sensibilities of the citizen, builds up and fosters classes among the people, and undermines the fundamental principles upon which the government frabric is based. If the right to incorporate business enterprises to the extent proposed by this bill for mercantile and other pursuits are carried into the field of agriculture, the result will be that large bodies of land will be owned by incorporated companies and tilled by tenantry. The ownership will not then be vested in him who cultivates the land; the home, if preserved would be less dear to him who occupies it, the best incentive to good citizenship would thereby be eradicated, and patriotism would be subdued, if not extinguished. And again, the effect of section three will be to put it in the power, of those holding two thirds of the stock of a existing corporation to continue the corporation for thirty years beyond the time of the original corporation against the consent of the other stockholders, who may have sufficient reasons for winding up the affairs of the concern at the time when it would have expired by operation of law. It is but fair to presume that the stockholders have embarked in such enterprise with reference to the law as it existed at the time of the incorporation, namely that it should continue for a period not exceeding twenty years, and the least of these should not be percipitated by law into thirty years more of corporate control, against his consent. Indeed this cannot be done without violating the plain constitutional provision against



impairing the obligations of a contract. The principal is elemental and the authorities are numerous to the effect that "A state cannot in any manner, alter the mutual relationship among the members of a corporation or their relative rights and duties as established by their voluntary agreement when the company was formed. Thus, a law purporting to authorize the majority to extend or alter the business of a corporation against the will of a minority, would be unconstitutional, although it contained a grant of new franchises to the corporators and no existing franchises be thereby impaired." Morowetz on private Corporations, section 1057 and cases cited. The present bill not only authorizes an entire change in the business upon a two-thirds vote of the shareholders, but extends the time against the consent of the minority. This cannot be done without the unanimous consent of the stockholders. Morawetz on Private Corporations, sections 1060, 1083, 1047, and 645. It is evident that a state may authorize a corporation to alter or change its original enterprise and exercise new franchises to any extent, without impairing any contract between the States and the corporators, or the agreement among the corporators themselves. The effect of such a law is merely permissive, it enables the corporation to exercise new powers without breach of law, but it takes away no existing power, and effects no existing right. Whether the new franchises shall be exercised would depend wholly upon the corporation itself. Neither the majority of the shareholders, nor any of the agents of the company would be entitled to exercise these franchises, unless authorized to do so, either through the original charter contract, or the subsequent unanimous consent of the shareholders, Section 1083 *supra*, but this appears to be of doubtful constitutionality in another point of view. The constitution prohibits the granting of perpetuities except for charitable purposes. If the legislative assembly can extend the term of a corporation now existing, for thirty years, there is no reason why, before the expiration of the charter thus extended another legislative assembly might not extend that for fifty years and so on *ad infinitum*. It is due to the State and the minority of stockholders that there should be a day of reckoning, and if the concern desires to continue business



there is no reason why it cannot re-organize and pay into the treasury the fees for such privilege.

[Signed]      Jos. K. TOOLE.  
Governor.

Mr. Blakely moved that S. B. No. 10, with Governor's veto be made special order at 10 A. M. to-morrow.

Carried.

S. B. No. 45 being placed on third reading, Mr. Loud moved to lay the bill on the table.

Ayes and nays called for.

Motion lost by following vote:

Ayes—Barrows, Boardman, Blair, Burns, Cory, Goodman, Harrington, Hastie, Holter, Horsky, Howey, Hughes, Loud, Moran, Newcomer, Roberts, Toole, Wallace, Wing and Woodson.

Total—20.

Noes—Blake, Blakely, Breen, Clark, Crutchfield, Day, Duseault, Frank, Hardenbrook, Harlan, Higgins, Hoffman, Hollywood, McElwee, Mitchell, Monteath, Phillips, Penrose, Poole, Schmidt, Thompson, Whaley and Mr. Speaker pro tem Humber.

Total—23.

Senate Bill No. 45 was now read first and second times.

Mr. Goodman moved the bill be referred to Committee on Education.

Mr. Blakely moved in amendment to refer to Committee on Towns. Counties and Highways.

Mr. Howey moved to lay motion and amendment on the table.

Ayes and nays called for.

Motion lost by following vote:

Ayes—Barrows, Boardman, Burns, Cory, Goodman, Harrington, Hastie, Holter, Horsky, Howey, Hughes, Kempland, Loud, Moran, Newcomer, Roberts, Toole, Waite, Wallace, Wing and Woodson.

Total—21.

Noes—Blair, Blake, Blakely, Breen, Clark, Crutchfield, Day, Dusseault, Frank, Hardenbrook, Harlan, Higgins, Hoffman, Hollywood, McElwee, Mitchell, Monteath. Phillips, Penrose, Poole, Schmidt, Thompson, Whaley and Mr. Speaker pro tem Humber.

Total—24.

Mr. Howey, for a call of the house.

Clerk called the roll.

Absent—Beach, Eaton, Norton, Comly.

Mr. Harlan moved that further proceedings under call be now dispensed with.

Ayes and nays called for.

Motion lost by following vote:

Ayes—Blake, Blakely, Breen, Carney, Clark, Crutchfield, Day, Dusseault, Frank, Greenough, Harlan, Harrington, Higgins, Hollywood, McElwee, Mitchell, Monteath, Phillips, Poole, Schmidt, Twohy and Whaley.

Total—22.

Noes—Barrows, Boardman, Blair, Burns, Cory, Goodman, Hardenbrook, Hastie, Hoffman, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, Moran, Newcomer, Penrose, Roberts, Stebbins, Toole, Thompson, Waite, Wallace, Wing, Woodson and Mr. Speaker pro tem Humber.

Total—28.

Mr. Loud moved that further proceedings under call be now dispensed with.

Ayes and nays called for.

Carried by following vote:

Ayes—Barrows, Beach, Boardman, Blair, Breen, Burns, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins,

Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson and Mr. Speaker pro tem Humber.

Total—47.

Noes—Blake, Blakely, Carney, Clark, Holter and Penrose.

Total—6.

Mr. Loud moved that further consideration of S. B. No. 45 be indefinitely postponed.

Mr. Toole moved the previous question.

Carried, and previous question ordered.

Previous question being now put the ayes and nays were called for.

Motion carried by following aye and nay vote:

Ayes—Barrows, Beach, Boardman, Burns, Cory, Eaton, Goodman, Hardenbrook, Harrington, Hastie, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, Moran, Newcomer, Norton, Roberts, Toole, Thompson, Waite, Wallace, Wing and Woodson.

Total—27.

Noes—Blair, Blake, Blakely, Breen, Carney, Clark, Crutchfield, Day, Dusseault, Frank, Greenough, Harlan, Higgins, Hoffman, Hollywood, McElwee, Mitchell, Monteath, Phillips, Penrose, Poole, Schmidt, Stebbins, Twohy, Whaley and Mr. Speaker pro tem.

Total—26.

Mr. Wallace moved to reconsider the vote by which previous question was carried.

Mr. Toole moved to lay motion on the table.

Mr. Blakely moved a call of the House.

Mr. Howey moved that further proceedings under the call be dispensed with.

Ayes and noes called for.

Motion adopted by the following vote:

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Burns, Cory, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook,

Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Penrose, Poole, Roberts, Schmidt, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson and Mr Speaker pro tem.

Total—44.

Noes—Blake, Breen, Carney, Clark, Crutchfield, Greenough, Higgins, Phillips.

Total—8.

Ayes and nays now called on Toole's motion to lay on the table.

Motion to lay on the table adopted.

Senate Bill No. 34 placed on third reading.

Mr. Loud moved that further consideration of S. B. 34 be indefinitely postponed.

Mr. Blakely moved to lay the motion on the table.

Lost by following aye and nay vote:

Ayes—Blake, Blakely, Breen, Carney, Clark, Crutchfield, Frank, Greenough, Harlan, Higgins, Hollywood, McElwee, Mitchell, Monteath, Phillips, Penrose, Poole, Schmidt, Stebbins, Twohy, Whaley, Mr. Speaker pro tem.

Total—22.

Noes—Barrows, Beach, Boardman, Blair, Burns, Cory, Day, Dusseault, Eaton, Goodman, Harrington, Hastie, Hoffman, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, Moran, Newcomer, Norton, Roberts, Toole, Thompson, Waite, Wallace, Wing, Woodson.

Total—30.

Mr. Goodman called for previous question (Loud's motion.)

Previous question now put and carried.

Mr. Hastie moved to reconsider the vote by which Loud's motion to indefinitely postpone was adopted.

Mr. Toole moved to lay the motion on the table.

Ayes and nays called.

Motion to lay on the table carried by following vote:

Ayes—Barrows, Beach, Boardman, Blair, Burns, Cory, Day, Eaton, Goodman, Hardenbrook, Harrington, Hastie, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, Moran, Newcomer, Norton, Penrose, Roberts, Stebbins, Toole, Waite, Wallace, Wing and Woodson.

Total—30.

Noes—Blake, Blakely, Breen, Carney, Clark, Crutchfield, Dusseault, Frank, Greenough, Harlan, Higgins, Hoffman, Hollywood, McElwee, Mitchell, Monteath, Phillips, Poole, Schmidt, Twohy, Thompson, Whaley, and Mr. Speaker pro tem.

Total—23.

Mr. Barrows was excused from the evening session.

H. B. 130 was read a third time, placed on final passage and passed by the following aye and nay vote:

Ayes—Barrows, Beach, Boardman, Blair, Breen, Burns, Carney, Cory, Crutchfield, Day, Eaton, Frank, Goodman, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Phillips, Penrose, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson and Mr. Speaker pro tem.

Total—44.

Noes—Greenough, Harrington, Norton and Poole.

Total—4.

Title agreed to.

H. B. No. 169 was read third time, placed on final passage and passed by following aye and nay vote:

Ayes—Beach, Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Wing, Woodson and Mr. Speaker pro tem.



Total—45.

Noes—Greenough, Poole and Whaley.

Total—3.

Title agreed to.

Mr. Howey moved that rules be suspended and that H. B. No. 170 be considered engrossed for third reading.

Adopted.

The bill not being in condition to be considered engrossed was referred to Engrossment Committee.

On motion of Mr. Harlan, House resolved itself into Committee of the Whole for consideration of H. B's Nos. 53 and 117.

Blakely in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

Communication from Senate received relating to H. B. No. 73 and S. B. No. 68.

On motion, Senate amendments to H. B. No. 73 were concurred in by following aye and nay vote:

Ayes—Beach, Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Wallace, Whaley, Wing, Woodson and Mr. Speaker pro tem.

Total—47.

Noes—Greenough.

Total—1.

Mr. Greenough moved that the House adjourn.

Motion lost.

House again resolved itself into Committee of the Whole for further consideration of H. B's. Nos. 53 and 117.

Blakely in chair.

Committee arose.

House resumed.

Mr. Speaker pro tem in the chair.

Mr. Harlan introduced House Joint Resolution No. 5.

On motion, resolution adopted.

On motion, House adjourned until to-morrow at 10 A. M.

CHAS. Z. POND,

Chief Clerk.

## SIXTIETH DAY.

## HOUSE OF REPRESENTATIVES

Helena, Montana, March 5th, 1891.

House met pursuant to adjournment, 10 A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

On motion of Frank reading of Journal was deferred until evening session.

On motion of Loud, House Bills Nos. 53 and 117 were recalled from the Committee of the Whole and were referred to a select committee of six to frame a substitute bill in their stead.

The Chair appointed as such select committee, Messrs Goodman, Norton, Loud, Toole, Wallace and Frank.

The following message was received from the Senate:

Helena, Mont., March 4th, 1891.

*Mr. Speaker, House of Representatives:*

I am further directed by the Senate to inform your honorable body that House Bill No. 118, as amended, has passed the Senate and is herewith transmitted.

Yours respectfully,

JNO. J. FALLON,

Secretary.

On motion of Comly amendments of Senate to H. B. No. 118 concurred in and bill with amendments referred to Enrollment Committee.

On motion of Wallace rules were suspended and House Bills Nos. 90 and 27 were made special order for 11 A. M.

The following messages were received from the Senate:

Helena, Montana, March 4th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the Senate has concurred in House amendments to Senate Bill No. 17.

Very Respectfully,

JNO. J. FALLON,  
Secretary.

Helena, Montana, March 5th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the Governor has approved the following Senate Bills, Nos. 37, 29, 22, 44, 47, 39, 16, 21, 31, Sub. for S. B. No. 9, and Sub. for S. B. No. 13.

Very respectfully

JNO. J. FALLON,  
Secretary.

Helena, Montana, March 4, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the Senate has concurred in House amendments to Senate Bill No. 40.

That the Senate refuses to concur in House amendments to Senate Bill No. 33, and respectfully requests the House to recede. Senate Bill No. 33 is herewith transmitted.

Very respectfully,

JNO. J. FALLON,  
Secretary.

On motion of Norton, a conference committee of three was appointed to act with like committee of the Senate, consisting of Blakely, Loud and Hughes.

The hour having arrived for the consideration of the special order, S. B. No. 10, and the veto of the Governor's, the veto was sustained by the following vote:

Ayes—Boardman, Breen, Clark, Cory, Crutchfield, Dusseault, Eaton, Frank, Hardenbrook, Hughes, Kempland, Lochray, Loud, Moran, Monteath, Penrose, Roberts, Toole, Thompson and Wing.

Total—20.

Noes—Barrows, Blair, Blakely, Burns, Carney, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hollywood, Holter, Horsky, Howey, McElwee, Mitchell, Newcomer, Norton, Phillips, Poole, Schmidt, Stebbins, Twohy, Waite, Wallace, Whaley, Woodson and Speaker pro tem Humber.

Total—29.

The question being put: Shall the bill pass notwithstanding the disapproval of the Governor? the chair decided the bill lost and the veto of the Governor's sustained.

Helena, Montana, March 4, 1891,

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bill No. 11, as amended, House Bills Nos. 15, 50, 75, 160, 162, 169, Sub. H. B. No. 84, and H. J. R. No. 5, have passed the Senate and are herewith transmitted.

Very Respectfully,

JNO. J. FALLON,  
Secretary.

On motion of Poole, Senate amendments to H. B. No. 11 were concurred in by the following vote:

Ayes—Barrows, Beach, Boardman, Blair, Burns, Carney, Clark, Cory, Crutchfield, Day, Greenough, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Kempland, Mitchell, Poole, Schmidt, Toole, Twohy, Thompson, Wallace, Woodson, and Mr. Speaker.

Total—27.

Noes—Blakely, Breen, Dusseault, Eaton, Frank, Goodman, Harrington, Hastie, Hollywood, Howey, Humber, Lochray,



Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Waite, Whaley and Wing.

Total—25.

H. B. No. 11, with amendments, were referred to Committee on Enrollment.

The following message was received from the Senate:

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bill No. 87 has been laid upon the table in the Senate.

Very respectfully,

JNO. J. FALLON,  
Secretary.

The Speaker announced that he was about to sign House Bills Nos. 45 and Senate Bills Nos. 18, 40, 32 and 57, and signed the same in the presence of the House.

House Bills Nos. 15, 50, 75, 160, Sub. for 84 and H. J. R. No. 5, were referred to Enrollment Committee.

The following report was received from the Engrossment Committee.

*Mr. Speaker:* Your Committee on Engrossment return herewith House Bills Nos. 61, 139, 128 and 170, correctly engrossed.

Respectfully,

KEMPLAND,  
Chairman.

House Bills Nos. 61, 139, 128 and 170 were placed on file for third reading.

On motion of Hastie, further consideration of House Bills Nos. 161 and 61 were postponed.

House Bill No. 32 was placed on calendar for third reading.

Comly moved that the bill be laid on the table.

Motion lost by the following vote:

Ayes—Beach, Boardman, Blakely, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Hardenbrook, Harlan, Higgins,

Holter, Horsky, Kempland, Roberts, Schmidt, Toole, Twohy, Woodson, Speaker Comly and Speaker pro tem Humber.

Total—22.

Noes—Blair, Breen, Eaton, Frank, Goodman, Cory, Greenough, Harrington, Hastie, Hoffman, Hollywood, Howey, Hughes, Lochray, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Stebbins, Thompson, Waite, Whaley and Wing.

Total—28.

On motion of Howey rules were suspended, House Bill No. 32 was read third time by title, placed on its final passage and lost by following vote:

Ayes—Boardman, Cory, Eaton, Goodman, Greenough, Harrington, Hastie, Hoffman, Hollywood, Howey, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Stebbins. Thompson, Waite, Whaley, and Wing.

Total—25.

Noes—Barrows, Beach, Blair, Blakely, Breen, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Hardenbrook, Harlan, Higgins, Holter, Horsky, Hughes, Humber, Kempland, Lochray, Schmidt, Toole, Twohy, Woodson and Mr. Speaker Comly.

Total—25.

Senate Bill No. 35 was read third time, placed on final passage and passed by the following vote:

Title agreed to.

Ayes—Beach, Boardman, Blair, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Whaley, Wing, Woodson and Mr. Speaker.

Total 45.

Noes—Blakely, Eaton, and Howey.

Total—3.

On motion of Greenough, House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the Chair.

The following message was received from the Senate.

Helena, Montana, March 5th, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bills Nos. 33, 45, 67, 105, 124, 129 and 130 have passed in the Senate and are herewith transmitted.

That House Bill No. 64, has been indefinitely postponed in the Senate.

Very respectfully,

JNO. J. FALLON,

Secretary.

House Bills No. 33, 45, 67, 105, 124, 129, and 130 were referred to Committee on Enrollment.

House Bill No. 173 was read third time, placed on its final passage and passed by the following vote:

Title agreed to.

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Burns, Cory, Crutchfield, Dusseault, Greenough, Hardenbrook, Harrington, Hastie, Higgins, Hoffman, Horsky, Holter, Howey, Hughes, Humber, McElwee, Moran, Monteath, Newcomer, Phillips, Penrose, Poole, Roberts, Schmidt, Twohy, Thompson, Whaley, Wing, Woodson and Mr. Speaker.

Ayes—34.

Noes—0.

Total vote 34.

Mr. Speaker excused from service on conference committee on S. B. No. 33 and Barrows was appointed in his stead.

H. B. No. 170, was read third time, placed on its final passage and passed by the following vote:

Title agreed to.

Ayes—Barrows, Beach, Boardman, Blair, Burns, Carney, Cory, Crutchfield, Day, Dusseault, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, Humber, Monteath, Phillips, Penrose, Roberts, Thompson, Wing and Woodson.

Total 27.

Noes—Blakely, Greenough, McElwee, Moran, Poole, Schmidt, Twohy, Whaley, and Mr. Speaker.

Total 9.

H. B. No. 128 was read third time, and placed on its final passage and passed by the following vote:

Title agreed to.

Ayes—Barrows, Beach, Boardman, Blair, Clark, Cory, Dusseault, Frank, Hardenbrook, Harlan, Hoffman, Holter, Horsky, Hughes, Humber, Kempland, Moran, Norton, Penrose, Toole, Twohy, Thompson, Goodman, Wallace, Wing and Woodson.

Total 26.

Noes—Blakely, Burns, Crutchfield, Day, Greenough, Hastie, Higgins, Hollywood, Howey, McElwee, Monteath, Newcomer, Phillips, Poole, Roberts, Schmidt, Whaley and Mr. Speaker.

Total—18.

H. B. No. 139 was read third time, placed on final passage and passed by the following vote.

Title agreed to.

Ayes—Barrows, Beach, Boardman, Blair, Burns, Clark, Cory, Crutchfield, Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Loud, Mitchell, Moran, Monteath, Norton, Penrose, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson and Woodson.

Total—37.

Noes—Blakely, Hardenbrook, McElwee, Newcomer, Phillips, Poole, Whaley, Wing and Mr. Speaker.

Total—9.

On motion of Goodman, H. B. No. 61 was referred to a special committee of two, consisting of Messrs. Woodson and Norton.

The following report was received:

*Mr. Speaker:* Your special committee, to whom was referred H. B's Nos. 53 and 117 have had the same under consideration and report back the same with the enclosed substitute, said substitute to take the place of both of said bills, and recommend that the substitute do pass.

GOODMAN.

LOUD.

NORTON.

FRANK.

TOOLE.

WALLACE.

On motion of Wallace, rules were suspended and substitute for H. Bills Nos. 53 and 118 was considered engrossed, read third time and placed on its final passage and passed by the following vote:

Title agreed to.

Ayes—Beach, Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Harlan, Harrington, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Penrose, Poole, Schmidt, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson and Mr. Speaker.

Total 43.

Noes—Eaton, Hastie, Lochray, Monteath, Roberts and Stebbins.

Total 6.

On motion of Wallace rules were suspended, H. B. No 90 was considered engrossed, placed on final passage and passed by the following vote:



Title agreed to.

Ayes—Beach, Boardman, Blair, Blakely, Breen, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson, and Mr. Speaker.

Total—47.

Noes—0.

On motion of Whaley, substitute for H. B. No. 27 was adopted, rules suspended and substitute was considered engrossed, placed on final passage and passed by the following vote:

Title agreed to.

Ayes—Beach, Boardman, Blair, Blakely, Breen, Carney, Burns, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson and Mr. Speaker.

Total—51.

Noes—0.

On motion of Norton, Senate Bill No. 61 was placed on calendar for third reading.

On motion of Blakely, Senate Bill No. 67 was placed on calendar for third reading.

The Committee on Enrollment made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following bills correctly enrolled: H. Bills Nos. 141, 137, 73, 15, 75, 160, 162, 50 and 169.

DAY,  
Chairman.

The following message was received from the Senate:

*Mr. Speaker. House of Representatives:*

I am directed by the Senate to inform your honorable body that the Senate have appointed Senators Hoffman, Cardwell and Hennessy, a conference committee on the part of the Senate to confer with a similar committee from the House on amendments to Senate Bill No. 33, and request the House committee to meet the Senate committee at 5 o'clock P. M. this day at the Senate Chamber.

That the Senate has indefinitely postponed Sub. for H. B. No 5.

Yours respectfully,

JNO. J. FALLON,  
Secretary.

The select committee on H. B. No. 61 made the following report:

*Mr. Speaker:* Your select committee to whom was referred House Bill No. 61, for amendments, beg leave to report the same back with amendments, and as so amended recommend it do pass.

NORTON,  
WOODSON,  
Select Committee.

On motion of Norton the report was adopted, rules suspended, the Chief Clerk was instructed to make the change; the bill was considered engrossed, placed on its final passage and passed by the following vote:

Title agreed to.

Ayes—Boardman, Blair, Burns, Clark, Crutchfield, Duseault, Eaton, Goodman, Greenough, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Hughes, Kempland, Lochray, Loud, McElwee, Mitchell, Moran Monteath, Newcomer, Norton, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Wing and Woodson.

Total—39.

Noes—Breen, Carney, Whaley and Mr. Speaker pro tem.

Total—4.

On motion of Beach rules were suspended, H. B. No. 174 was considered engrossed, read third time and placed on its final passage, and passed by the following vote:

Title agreed to.

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wing, Woodson, and Mr. Speaker.

Total—45.

Noes—0.

On motion of Norton, rules were suspended, H. B. No. 59 was considered engrossed, placed on its final passage and passed by the following vote.

Title agreed to.

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Kempland, Lochray, Loud, McElwee, Moran, Monteath, Newcomer, Norton, Penrose, Poole, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Wing, Woodson and Mr. Speaker.

Total—46.

Noes—Phillips.

Total—1.

The Speaker signed the following bills in the presence of the House: House Bills Nos. 137, 73, 141, 15, 160, 75, 50, 169, and H. J. R. No. 5.

The following message was received from the Senate:

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bills Nos. 12 and 173 have passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

House Bills Nos. 128 and 173 were referred to Enrollment Committee.

On motion of Frank, rules were suspended, H. B. No. 171 was considered engrossed, placed on final passage and passed by the following vote:

Title agreed to.

Ayes—Beach, Boardman, Blair, Blakely, Breen, Burns, Crutchfield, Day, Dusseault, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kemp-land, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer-Norton, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing and Mr. Speaker.

Total 46.

Noes—Eaton-

Total 1.

The following message was received from the Senate:

Helena, Montana, March, 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bill No. 3 has been laid upon the table in the Senate.

Very Respectfully,

JNO. J. FALLON,

Secretary.

On motion of Howey, House amendments to S. B. No. 11 were considered engrossed and bill placed on calendar for third reading.

Senate Bill No. 61 was read a third time, placed on its final passage and passed by the following vote:

Title agreed to.

Ayes—Beach, Blair, Breen, Burns, Clark, Crutchfield, Day, Dusseault, Eaton, Greenough, Hardenbrook, Harlan, Higgins, Hollywood, Holter, Howey, Hughes, Kempland, Lochray, McElwee, Mitchell, Moran, Newcomer, Phillips, Penrose, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Woodson and Mr. Speaker.

Total—36.

No:s—Boardman, Blakely, Carney, Goodman, Hastie, Horsky, Humber, Loud, Norton, Whaley and Wing.

Total—11.

The following message was received from the Senate:

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B's. Nos. 47, as amended, 56, as amended, and 91, as amended, have passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

On motion of Breen, amendments to House Bills Nos. 47, 56 and 91, made by the Senate, were concurred in by the House and

House Bills Nos. 47, 56 and 91, as amended, were referred to the Enrollment Committee.

Senate Bill No. 11 was read third time, placed on final passage and passed by the following vote:

Title agreed to.

Ayes—Beach, Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Frank, Greenough, Hardenbrook, Hoffman, Hollywood, Holter, Horsky, Howey, Kempland, McElwee, Mitchell, Phillips, Poole, Roberts,



Schmidt, Toole, Twohy, Wallace, Whaley, Woodson and Mr. Speaker.

Total—33.

Noes—Goodman, Harrington, Moran, Newcomer, Norton, Stebbins.

Total—6.

The following message was received from the Senate:

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that S. C. R. No. 5 has passed the Senate and is herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

On motion of Blakely, rules were suspended, S. C. R. No. 5 was read first, second and third times, placed on its final passage, and passed by the following vote:

Title agreed to.

Ayes—Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Hoffman, Hollywood, Holter, Horsky, Howey, McElwee, Mitchell, Moran, Norton, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Woodson, and Mr. Speaker.

Total—57.

Noes—0.

On motion of Beach, the Senate was requested to return H. B. No. 171 for amendments.

On motion of Greenough, House took a recess until 8 P. M.

8 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

On motion of Frank, House resolved itself into Committee of the Whole to consider S. B. No. 20.

Mr. Loud in the chair.

House resumed.

Mr. Speaker in the chair.

The following communication was received from the Senate:

Helena, Montana, Mach 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bills Nos. 170, 171, 59, Sub. H. B. No. 53, 90 and Senate Bill No. 69, have passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,  
Secretary.

House Bills Nos. 170, 171, 59, 90, and Sub. H. B. No. 53, were referred to Committee on Enrollment.

On motion of Frank, rules were suspended, S. B. No. 69 was read first and second times by title, read third time, placed on its final passage and passed by the following vote:

Title agreed to.

Ayes—Barrows, Beach, Boardman, Carney, Clark, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Harlan, Hastie, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Newcomer, Norton, Phillips, Penrose, Poole, Stebbins, Toole, Twohy, Thompson, Wallace, Whaley, Wing, Woodson and Mr. Speaker.

Total—39.

Noes—Blair, Blakely, Breen, Burns, Hardenbrook, Harrington, Higgins, Roberts and Schmidt.

Total—9.

The following communication was received from the Governor:

Helena, Montana, Mach 4, 1891.

*To the House of Representatives:*

I have approved the following bills:

Sub. for House Bill No. 148—An act appropriating a certain sum of money for the relief of R. G. Humber.

House Bill No. 44—An act to provide for the taking of depositions of persons imprisoned.

House Bill No. 132—An act to attach certain portions of right of way of the N. P. and R. F. and C. C. R. R. to Yellowstone County.

House Bill No. 119—An act to provide for the selection and conveyance of certain lands donated by the United States to the State of Montana for public buildings and to pay the necessary expenses thereof.

House Bill No. 97—An act to allow contractors for the care of the insane, interest.

House Bill No. 99—An act to allow contractors for convicts interest, and to pay for certain improvements upon the prison.

House Bill No. 168—An act to prevent depredations upon certain lands.

House Bill No. 43—An act to amend an act entitled an act for the better protection of game and fish.

House Bill No. 95—An act relating to the duties of Clerks of County Commissioners concerning elections.

House Bill No. 110, an act to provide for the election of Presidential electors.

House Bill No. 111—An act to provide for the election of Representative in Congress.

House Bill No. 121—An act to provide for revenue for 1891 and 1892.

House Bill No. 48—An act to enable Courts to procure proper seals.

JOS. K. TOOLE,  
Governor.

House Joint Resolution No. 6 was, by consent of the House, introduced by Beach and read first and second times.

On motion of Humber, rules were suspended and H. J. R. No. 6 was read third time and passed by the following vote:

Title agreed to.

Ayes—Barrows, Beach, Boardman, Blair, Blakely, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Greenough, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson and Mr. Speaker.

Total—51.

Noes—Penrose.

Total—1.

On motion of Thompson, House resolved itself into Committee of the Whole, for further consideration of S. B. No. 20.

Mr. Thompson in the Chair.

House resumed.

Mr. Speaker in the chair.

Thompson, Chairman Committee of the Whole, reported S. B. No. 20 back to the House with recommendation that it do pass.

Report adopted.

Rules suspended and S. B. No. 20 placed on its final passage, and passed by the following vote.

Title agreed to.

Ayes—Barrows, Beach, Boardman, Breen, Burns, Carney, Clark, Cory, Crutchfield, Day, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Loud,

McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Penrose, Roberts, Stebbins, Toole, Twohy, Thompson, Waite, Wallace, Whaley, Wing, Woodson and Mr. Speaker.

Total—45.

Noes—Blair, Blakely, Greenough, Hastie, Higgins, Lochray, Poole, Schmidt.

Total—8.

The Speaker signed in the presence of the House S. B. No. 67 and Sub. for S. B. No. 35.

Day, Chairman Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following House bills correctly enrolled: House Bills Nos. 67, 105, 33, 135, 128, 130, 173, 84, 45, 11, 129, 91, 124.

DAY,

Chairman.

Day, Chairman, Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report that they have on this day, March 5, 1891, at 5 P. M., delivered to Gov. Jos. K. Toole, the following House Bills: House Bills Nos. 141, 137, 73, 15, 75, 160, 162, 50, 169, and House Joint Resolution No. 5.

DAY,

Chairman.

The following resolution was introduced by Loud:

WHEREAS, Senate Bill No. 18 contains defects in title and needs to be amended in the title and also in the body of the bill; therefore be it

*Resolved,* That the House respectfully request the Governor to return the same.

Resolution was carried.

The following messages was received from the Senate:



Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bills Nos. 174 and Sub. 27, have passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,  
Secretary.

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bills Nos. 139 and 61, passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,  
Secretary.

House Bills Nos. 174, 139, 61 and Sub. 27 were referred to Committee on Enrollment.

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that Senate Bill No. 18 was, by unanimous consent of the Senate, recalled from the Governor for amendment, amended and herewith transmitted for your concurrence thereto.

Very respectfully,

JNO. J. FALLON,  
Secretary.

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. J. R. No. 6 has passed the Senate and is herewith transmitted.

Very respectfully,

JNO. J. FALLON,  
Secretary.

Amendments to Senate Bill No. 18 were read.

Moved by Greenough that amendments to S. B. 18, be not concurred in.

Carried.

Loud moved a reconsideration of the vote by which amendments to S. B. No. 18 were not concurred in.

Motion carried.

Loud moved that amendments to S. B. No. 18 be concurred in.

Motion carried.

The Speaker signed in the presence of the House the following bills:

S. Bills Nos. 61, 69, 17 and S. C. R. No. 5.

The following resolution was introduced by Loud:

WHEREAS, Our Speaker was prevented during the major part of the session by a long, protracted and deeply regretted spell of sickness from performing the functions of his office; and

WHEREAS, Owing to this misfortune the duties and responsibilities of the office fell upon the broader shoulders and sturdier frame of our speaker pro tem, who has discharged the functions of the office, whether in the quieter sea of memorial resolution or other harmonious parliamentary action or amidst the more turbulent billows of contested legislative debate, with a ceaseless fund of patience and urbanity; who has brought to every official action a healthy supply of sententious wit, and by his jovial demeanor has effectually drawn the sting of every adverse ruling; has made his authority felt in a wholesome and satisfactory manner, and who finally is about to doff the official toga with the esteem and high regard of each and every one of his colleagues. Now, therefore, be it

*Resolved* That the thanks of the House of Representatives of the Second Legislative Assembly are hereby tendered to the Hon. Robert G. Humber, in whom it recognizes a man of great capacity in executive ability; and at the same time a tactician of extraordinary ability in that he brings metaphorical constructions to determine the custody of bills, and has always proved himself equal to the task of retracing his steps, down devious

parliamentary canyons in a manner so judicious and careful as not to bruise or mar in the slightest the beauties of nature along the trail.

On motion of Greenough, the resolution was adopted and ordered spread upon the journal of the House.

Howey introduced the following resolution:

*Resolved*, That the thanks of the members of this House are hereby tendered to the attaches thereof for the uniform, prompt, courteous and efficient service they have rendered early and late, and for the uncomplaining manner in which they have disposed of the unusual amount of work necessarily crowded into the short working session now drawing to a close.

On motion of Greenough, the resolution was adopted and ordered spread upon the journal of the House.

The Speaker signed in the presence of the House the following bills: H. Bills Nos. 67, 105, 33, 135, 128, 130, 173, 84, 45 11, 129, 91 and 124.

The following communication was received from the Senate:

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that House Bills 163 and 164 have passed the Senate and are herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

House Bills No. 163 and 164 were referred to Committee on Enrollment.

The journal of the sixtieth day was read up to this reading and approved.

The following communication was received from the Senate:

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that the Senate has indefinitely postponed House Bill No. 19 and concurred in House amendments to Senate Bill No. 20.

Very respectfully,

JNO. J. FALLON,

Secretary.

Day, Chairman Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report the following bills correctly enrolled: H. B's. Nos. 171, 56, 170, 90, 174, 59, 118, 47, 164, 139, 163, 61, 53, and H. B. No. 11.

DAY,

Chairman.

A committee from the Senate, consisting of Messrs. Hennessy, Thompson and a Senator from Flathead, appeared upon the floor of the House and announced that the Senate was prepared to adjourn at 12 midnight.

The Speaker announced that he was about to sign House Bills Nos. 171, 56, 170, 90, 174, 59, 118, 47, 164, 139, 163, 61, 53, 11, and S. B's Nos. 11 and 20 and 18, which was done in the presence of the House.

By consent of the House the Committee on Appropriations and Claims introduced H. B. No. 175—A bill for an act to appropriate money for the payment of the salaries of certain District Judges and the salary and expenses of the Mineral Land Commissioner.

H. B. No. 175 was read first and second times at length.

On motion of Humber all rules were suspended, bill read third time, placed on its final passage and passed by the following vote:

Title agreed to.

Ayes—Beach, Boardman, Blair, Blakely, Burns, Carney, Clark, Crutchfield, Dusseault, Eaton, Frank, Goodman, Hardenbrook, Harlan, Harrington, Hastie, Higgins, Hoffman, Hollywood, Holter, Horsky, Howey, Hughes, Humber, Kempland, Lochray, Loud, McElwee, Mitchell, Moran, Monteath, Newcomer, Norton, Phillips, Poole, Roberts, Schmidt, Stebbins, Toole, Twohy, Thompson, Waite, Whaley, Wing, Woodson and Mr. Speaker.

Total—47.

Noes—Greenough.

Total—1.

Day, Chairman Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment have on this day, March 5, 1891, delivered to Gov. Jos. K. Toole, the following House Bills: Nos. 67, 105, 33, 135, 128, 130, 173, 84, 45, 11, 129, 91, 124, 171, 56, 170, 174, 90, 59, 118, 47, 164, 139, 162, 61, and Sub. 53.

DAY,

Chairman.

Journal was read up to date and approved.

Speaker pro tem Humber took the chair.

The following resolution was introduced by Humber before taking the chair.

*Mr. Speaker:*

WHEREAS, By reason of long and serious illness, this House has been deprived of the parliamentary experience and knowledge of Speaker Harry R. Comly; and

WHEREAS, He has resumed his position, to the gratification and with the heartiest congratulations of this House, and has, during such time, presided with impartiality and fairness; therefore be it

*Resolved,* That he is entitled to and is hereby given for his services the sincere and heartfelt thanks of the House of Repre-



sentatives of the Second Legislative Assembly of the State of Montana.

On motion of Norton, resolution was adopted and ordered spread upon the journal of the House.

The following resolution was introduced by Monteath:

*Resolved*, That this House hereby appoint Messrs. Pace and Mock official biographers of this body, without pay.

On motion of Frank the resolution was adopted.

The following message was received from the Senate:

Helena, Montana, March 5, 1891.

*Mr. Speaker, House of Representatives:*

I am directed by the Senate to inform your honorable body that H. B. No. 175 has passed the Senate and is herewith transmitted.

Very respectfully,

JNO. J. FALLON,

Secretary.

H. B. No. 175 was referred to Enrollment Committee.

Day, Chairman Committee on Enrollment, made the following report:

*Mr. Speaker:* Your Committee on Enrollment beg leave to report H. B. No. 175 correctly enrolled.

DAY,

HARRINGTON,

MONTEATH.

The Speaker notified the House that he was about to sign H. B. No. 175, and signed the same in the presence of the House.

The journal was read up to date and approved.

The Speaker notified the House that the hour had arrived for the adjournment of the House of Representatives of the Second

Legislative Assembly of the State of Montana and declared the same adjourned without day.

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We hereby certify that this is a true record of the proceedings of the House of Representatives of the Second Legislative Assembly of the State of Montana after the compromise effected on the 29th day of January, 1891.

H. R. COMLY,  
Speaker.

Attest: CHAS. Z. POND,  
Chief Clerk.











